

**AGENDA
BOARD OF SELECTMEN
MONDAY, AUGUST 22, 2016**

6:30 p.m. – Convene Meeting in Open Session – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

- Approval of the following: Monday, August 8, 2016 Regular and Executive Session

APPOINTMENTS & HEARINGS

- 6:30 – Public Comment
- 6:40 – Review and approval of various Special Event Applications:
 - Church Without Walls, August 28, 2016, *Mashpee Baptist Church*
 - Wedding Rehearsal Clambake, September 23, 2016, *Richard Klein & Karen Faulkner*
 - RUCK 4 HIT 5K, September 25, 2016, *Nicole Spencer*
- 6:45 – Public Hearing: Request for modification of entertainment license, *Barnstable Pizza & Pasta Co. Inc., dba Finally Dino's*
- 7:00 – Catherine Laurent, DPW Director
 - Review and approval of Change Order #3, Route 151 Corridor Engineering Design
 - Approval of temporary placement of Election signs and Town Meeting signs

COMMUNICATIONS & CORRESPONDENCE

- 1) Proclamation, *Suicide Prevention Week*
- 2) FY 2018 Budget Schedule
- 3) Selectmen Meeting Schedule, December 2016 through June 2017
- 4) Review of correspondence relative to status of Trust Lands of the Mashpee Wampanoag Tribe

OLD BUSINESS

NEW BUSINESS

- 1) Review of Draft #2 of the October 2016 Annual Town Meeting Warrant, to include additional Warrant articles proposed for submission by the Board of Selectmen
- 2) Review and execution of Renewal Agreement between the Town of Mashpee and Mashpee Commons, Limited Partnership for the Treatment and Disposal of Wastewater
- 3) Acceptance of resignation from the Community Preservation Committee, *Diane Rommelmeyer*
- 4) Acceptance of resignation from the Mashpee Economic Development and Industrial Corporation, *Theresa "Terrie" M. Cook*

- 5) Acceptance of resignation from the Mashpee Cultural Council, *Madeleine Walsh*
- 6) Approval of appointment to the Planning and Construction Committee, *Thomas J. O'Neill, Architect*
- 7) Approval of appointment to the Human Services Committee, *Ebony Steele*

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

LIAISON REPORTS

EXECUTIVE SESSION

Update on contract negotiations between Town of Mashpee and Mashpee Permanent Fire Fighters Association, IAFF Local 2519, after which, the Board may reconvene in Public Session for a vote on this matter.

**AGENDA
BOARD OF SELECTMEN
MONDAY, AUGUST 8, 2016**

DRAFT

6:30 p.m. – Convene Meeting in Open Session – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

- Approval of the following: Monday, July 25, 2016 Regular and Executive Session

APPOINTMENTS & HEARINGS

- 6:30 – Public Comment
- 6:40 – Public Hearing: Application for new Shellfish Aquaculture License (Shellfish Grant) by Michael Ronhock, 82 Sunset Circle, Mashpee, MA
- 6:50 – Presentation by Town Counsel regarding the impact of recent Littlefield vs. U.S. Department of Interior decision
- 7:10 – Presentation by Andrew McManus on proposed memorial site for former Conservation Department employee, *Diane Lund*

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

- Presentation on proposed remediation of outdoor entertainment noise complaints, *Finally Dino's, Dino Mitrokostas*
- Town Manager update on Medical Marijuana Facility

NEW BUSINESS

- 1) Approval of Special Events Application for 32nd Annual Autumn Escape Bike Trek, September 23, 2016, *American Lung Association*
- 2) Acceptance of resignation from the Sewer Commission, *Mark Gurnee*
- 3) Acceptance of resignation from the Conservation Commission, *Mark Gurnee*
- 4) Approval of appointment as alternate representative to the Cape Cod Municipal Health Group, *Wayne Taylor*
- 5) Approval of appointment of At-Large Member of the Capital Improvement Committee, *Charles Gasior*
- 6) Approval of appointment of At-Large Member of the Community Preservation Committee, *Dawn Thayer*
- 7) Approval of appointment to the Conservation Commission, *Chad Smith*

- 8) Review and approval of Draft #1 of October Town Meeting Warrant
- 9) Review and approval of revisions to Board of Selectmen Policy 037, *Placement of Temporary Signs*
- 10) Review and approval of Agreement between the Town of Mashpee and the Barnstable County Sheriff's Department, *Conditions and Operating Policies for the Operation of a Communications Center for the Town of Mashpee by the Barnstable County Sheriff's Office*

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

LIAISON REPORTS

EXECUTIVE SESSION

Update on contract negotiations between Town of Mashpee and Mashpee Permanent Fire Fighters Association, IAFF Local 2519

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Present: Selectman Gottlieb, Selectman Cahalane, Selectman O'Hara,
Selectman Cotton, Selectman Sherman
Town Manager Rodney C. Collins
Assistant Town Manager Wayne E. Taylor

Meeting Called to Order by Chairman Gottlieb at 6:30 p.m.
Mashpee Town Hall, Waquoit Meeting Room

In an effort to disseminate meeting information to the general public, the Board of Selectmen's agenda packet is now posted on the Town of Mashpee web page www.mashpeema.gov under the heading; Board of Selectmen.

MINUTES

Monday, July 25, 2016 Regular and Executive Session:

Motion made by Selectman Cahalane to approve the Regular and Executive Session minutes of Monday, July 25, 2016 as presented.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

APPOINTMENTS & HEARINGS

Public Comment: None at this time.

Public Hearing: Application for new Shellfish Aquaculture License (Shellfish Grant) by Michael Ronhock, 82 Sunset Circle, Mashpee, MA:

The Board of Selectmen opened the Public Hearing on the application filed on July 25, 2016 by Michael Ronhock, 82 Sunset Circle, Mashpee in request of a Shellfish Aquaculture License; a 10-Year Shellfish Grant for a 1.04 acre site, to be located in Great River, to grow oysters and possibly quahogs and bay scallops. Demarcation buoys will be standard 16-inch round, yellow polyethylene, anchored at the corners of the site location.

The Hearing notice was read into the record in accord with posting procedures. Michael Ronhock was in attendance to review the project proposal. Richard York, the Director of Natural Resources (DNR) was also present for discussion purposes. Mr. York indicated the shellfish grant application was approved by the DNR, the Shellfish Constable, Harbormaster and Waterways Commission.

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APPOINTMENTS & HEARINGS

Public Hearing: Application for new Shellfish Aquaculture License (Shellfish Grant) by Michael Ronhock, 82 Sunset Circle, Mashpee, MA: (continued)

Mr. York explained that Great River is an area which requires water quality improvement and shellfish restoration. The proposed oyster farm located on the south end of Great River would be situated approximately 300' from the navigation channel. In addition to the restoration of the shellfish population in this area, the project would assist in filtering algae and the removal of nitrogen from the river. Spawns of the shellfish growing on the site would also be carried by tidal flow to seed and restore shellfish populations in other areas.

The site location would include bottom grow cages as well as visible floating cages in the prime growing season. Floating bags are necessary as a result of the muddy bottom, but limited to only 25% of the area. The proposed site located more than 100' from the beach is not in a public use area.

Ken Bates Chair of the Waterways Commission indicated the commission has imposed a stipulation that access would be granted for any future dredging projects by the Town of Mashpee. Mr. Ronhock stated he is in agreement and would work in compliance with this mandate. Regarding the future dredging of the channel, Mr. Bates indicated the Waterways Commission would notify Mr. Ronhock of dredging, one-year in advance. Prior to dredging, the applicant would then be required to remove the shellfish equipment during the fall of the dredging period to alleviate any liabilities to the Town. Mr. Bates stated this stipulation is also a part of Richard Cook's shellfish grant, and this mandate should be stipulated on Mr. Ronhock's aquaculture license.

Mr. York indicated the shellfish project is significant to the Town of Mashpee. This aquaculture project is not a part of the Town's Comprehensive Wastewater Management Plan. However, it will add to the overall nitrogen removal program.

In concern to the beach site on the Waquoit side of the river, the Board asked Mr. Ronhock if he would be agreeable to relocating the grant after the 10-year period when the license is subject to renewal. It was noted the parcel is a very desirable piece of land, but currently there is no road access to the site. Mr. Ronhock stated he would be agreeable to the relocation of the grant if it is so warranted.

The Board opened the Hearing to solicit comment. Being none, the Board acted as follows;

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

Board of Selectmen
Minutes
August 8, 2016

APPOINTMENTS & HEARINGS

Public Hearing: Application for new Shellfish Aquaculture License (Shellfish Grant) by Michael Ronhock, 82 Sunset Circle, Mashpee, MA: (continued)

Motion made by Selectman Cahalane to grant the Shellfish Aquaculture License (Shellfish Grant) as filed on July 25, 2016 to Michael Ronhock, 82 Sunset Circle, Mashpee as presented with the stipulation requested by the Waterways Commission that access would be granted for any future dredging of the channel with sufficient one-year notice for up to 10-years. Upon the term of 10-year grant, it is the decision of the Board of Selectmen to renew the license for this aquaculture grant.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Presentation by Town Counsel regarding the impact of recent Littlefield vs. U.S. Department of Interior decision:

Town Counsel Patrick Costello met with the Board of Selectmen and interested public to review the impact of the recent Littlefield vs. U.S. Department of Interior decision. On July 28, 2016, U.S. District Court Judge William Young ruled the Secretary of the Interior lacks the authority to acquire land in trust for the Mashpee Wampanoag Indian Tribe. The argument used to make this decision referenced a 2009 Supreme Court ruling referenced as *Carcieri*.

Although Judge Young's decision did not specifically overturn the Department of the Interior's decision to take land into trust for the Tribe's initial reservation, the status of the lands in trust; 170 acres in the Town of Mashpee and 151 acres in Taunton remain unclear. Town Counsel indicated this decision is expected to be appealed and it is likely the federal government will file a request with Judge Young to seek clarification regarding the status of tribal lands.

With respect to the Town of Mashpee, Town Counsel indicated the Town has worked cooperatively with the Tribe and has executed a Memorandum of Understanding, a mutual aid agreement for police, fire and emergency services. If contact is made with tribal authorities, the MOU grants Town emergency personnel the right to enter tribal lands for the purpose of mutual aid. If there is no tribal response, emergency personnel have the ability to respond to incidents on tribal land.

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Presentation by Town Counsel regarding the impact of recent Littlefield vs. U.S. Department of Interior decision: (continued)

Based on consultation with special counsel, Town Counsel recommended the Town of Mashpee remain in status quo and fulfill obligations in a cooperative manner with respect to the Memorandum of Understanding with the Tribal Council. The Board was also encouraged to engage in a direct dialogue with Tribal Council regulatory officers. It was also recommended that first responders be ready to react to the emergency needs of the Tribe.

There was concern with respect to first response and avoiding delays with respect to incidents that may occur on tribal lands. Town Counsel recommended the Town use protocol and abide by the language in the existing MOU. It was recommended the Town notify the Tribe as a courtesy of its intentions to provide first response on Tribal property by calling tribal police immediately and without delay in an emergency situation.

Town Manager Rodney C. Collins recommended the Board follow procedure and communicate chair to chair regarding this concern. The Board of Selectmen was receptive of this recommendation. Town Counsel was authorized to draft a letter with respect to this matter on behalf of the Board of Selectmen Chair. It was also agreed the Town would remit a letter to the Bureau of Indian Affairs, Secretary of the Interior requesting advice and clarity with respect to this regard. It was determined Town Counsel would also provide a draft letter on the Town's behalf.

Presentation by Andrew McManus on proposed memorial site for former Conservation Department employee, Diane Lund:

Conservation Agent Andrew McManus met with the Board of Selectmen to request consideration to place a small memorial on Town owned property in honor of former Town Hall employee Diana Lund who served as Secretary to the Conservation Department. The site location under consideration is in the John's Pond parking lot, a visible and accessible area. Michael Talbot a former member of the Conservation Commission was also present and is involved in the design plans for the memorial and planting. A commemorative boulder is intended to be engraved in recognition of Ms. Lund. Native landscaping will be incorporated into the design. Work associated to this project will be funded by private donations. The use of native plant material is an extension of the work the Town is conducting to promote ecological landscaping practices. With approval, work would commence this fall.

Motion made by Selectman Cahalane to support the memorial for former employee Diana Lund at John's Pond as referenced.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes
Selectman Cotton, yes

Selectman Cahalane, yes
Selectman Sherman, yes

Selectman O'Hara, yes
Opposed, none

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OLD BUSINESS

Presentation on proposed remediation of outdoor entertainment noise complaints, Finally Dino's, Dino Mitrokostas:

Constantinos Mitrokostas, owner of Finally Dino's was in attendance to review a proposed remediation plan for outdoor entertainment noise levels pertaining to Finally Dino's entertainment license. Mr. Mitrokostas complied with the request of the Board of Selectmen to deliver documentation with respect to this regard to the Town Manager's Office in advance of the Selectmen's Meeting.

The Board of Selectmen at their July 11, 2016 meeting held a public hearing on the outdoor entertainment license of Finally Dino's to address noise complaints and to discuss remedial sound measures. At the July 11th meeting, the Board voted to amend the Entertainment License of Finally Dino's to no longer allow amplified music for the outside patio area.

For clarification, the Board of Selectmen indicated this presentation is not a public hearing on the license modification of Finally Dino's. It is not a testimony and it is not an endorsement that would or would not result in a binding commitment on the subject license application. A public hearing will be held at a later date to further address this matter.

Mr. Mitrokostas indicated that he has worked as quickly as possible to develop a plan to mitigate the outdoor entertainment noise. As previously recommended, a professional sound engineer and audio consultant was hired by Finally Dino's to conduct an analysis and to propose and install solutions for sound management.

Tony Pizzo, owner of Hangar 18 Engineers was in attendance with Mr. Mitrokostas to highlight proposed options for sound management to maintain sound within the deck area of the subject establishment to not disturb the neighborhood.

Mr. Pizzo indicated that a permanently installed sound system is planned to be installed next week. This includes a house powered amplification system which includes speakers and a custom tuned equalization/volume limiting processor. Remediation planned for Finally Dino's outdoor patio also includes the installation of custom acoustical treatments and baffles panels. A layer of Mass Loaded Vinyl (MLV) will partially enclose the performance area along the deck rails bordering the east alleyway. All sound would go through the in-house system. Sound levels would be pre-set, and controlled automatically. In the process, it is necessary initially test the system and on occasion during live performances.

If solutions are still required after the above, an 8' stockade cedar fence lined with MLV will be installed at the end of the alleyway. In the planning process engineering associates from the Melody Tent, Livenation, and other suppliers were consulted.

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Presentation on proposed remediation of outdoor entertainment noise complaints, Finally Dino's, Dino Mitrokostas: (continued)

It was disclosed that all sound equipment would be situated in a locked separate room. The power ramps would be digitally locked and an access code would be required to gain access to the sound equipment room.

The Board of Selectmen agreed the proposal may require a one day outdoor entertainment license with amplified music to allow for the testing of equipment. Mr. Mitrokostas indicated he is serious regarding this matter and is making the investment to correct the noise issues. Mr. Mitrokostas also indicated he is confident in Mr. Pizzo's ability to provide sound management solutions.

It was recommended the applicant consider bringing testimonials to the public hearing. With the sound testing, the application submittal and adherence to posting requirements, a public hearing could possibly be held on August 22, 2016.

Town Manager update on Medical Marijuana Facility:

Rodney C. Collins Town Manager updated the Board of Selectmen with respect to progress associated to the Medical Marijuana Facility intended to be located on Echo Road, Mashpee. A Host Community Agreement was approved by the Town of Mashpee and Medical Marijuana of Massachusetts, Inc. on August 26, 2015 to allow for the establishment and operation of a marijuana for medical use retail dispensary in Mashpee.

Town Manager Collins reported that site work is ongoing. Subject to building permits, the facility is anticipated to break ground soon. No hurdles are anticipated. Based on receiving a final Certificate of Registration to operate a Registered Marijuana Dispensary (RMD) in calendar year 2016 (on or before December 31, 2016), Medical Marijuana of Massachusetts (MMM) shall donate \$20,000 to the Town of Mashpee. In calendar year 2017, MMM shall donate \$40,000 to the Town and in calendar year 2018, MMM shall donate to Mashpee \$100,000 (Escalator Base) Thereafter, the Host Community Donation will be adjusted annually of each calendar year by the product obtained by multiplying the Escalator Base by 3%.

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NEW BUSINESS

Approval of Special Events Application for 32nd Annual Autumn Escape Bike Trek, September 23, 2016, American Lung Association:

A Special Events Application was before the Board for the 32nd Annual Autumn Escape Bike Trek scheduled to be held on Friday, September 23, 2016. The application was submitted by Paul Curley of Providence, RI on behalf of the American Lung Association. It is requested the Board grant permission for participants to pass through the Town of Mashpee from 11:00 a.m. to 3:00 p.m. The reoccurring event would procure funding to fight lung cancer and other lung diseases.

It was determined the applicant who resides a fair distance from the Town of Mashpee would not be required to attend the Selectmen's Meeting. All applicable Town departments have signed off on the application without comment with the exception of the DPW recommending that notice be posted along the intended route.

Motion made by Selectman Cahalane to approve the Special Events Application for the 32nd Annual Escape Bike Trek on September 23, 2016 as presented.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Acceptance of resignation from the Sewer Commission, Mark Gurnee:

Acceptance of resignation from the Conservation Commission, Mark Gurnee:

Correspondence was received from Mark Gurnee dated July 21, 2016 resigning immediately from the Sewer Commission and Conservation Commission. Mr. Gurnee has moved from the Town of Mashpee and is no longer eligible to serve on the referenced commissions. The Board of Selectmen conveyed they are very supportive of Mr. Gurnee's contributions. He has been an asset to both boards offering his expertise as an engineer. The vacancies shall be duly advertised.

Motion made by Selectman Cahalane to accept the resignation of Mark Gurnee from the Sewer Commission and Conservation Commission, submitting a letter of regrets on behalf of the Board of Selectmen for Mr. Gurnee's dedication and service to the Town of Mashpee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

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Approval of appointment as alternate representative to the Cape Cod Municipal Health Group, Wayne Taylor:

Motion made by Selectman O'Hara to appoint Wayne E. Taylor as Mashpee's alternate representative to the Cape Cod Municipal Health Group.

Motion seconded by Selectman Cahalane.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Approval of appointment of At-Large Member of the Capital Improvement Committee, Charles Gasior:

The Board of Selectmen was in receipt of a letter of interest from Charles E. Gasior to serve on the Capital Improvement Program (CIP) Committee for the period of July 1, 2016 to June 30, 2017. Mr. Gasior has previously served on this committee.

Motion made by Selectman O'Hara to appoint Charles Gasior to the Capital Improvement Program Committee as an at-large member for a term to expire June 30, 2017.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Approval of appointment of At-Large Member of the Community Preservation Committee, Dawn Thayer:

The Board of Selectmen received a letter of interest from Dawn M. Thayer dated July 6, 2016 in becoming a member of the Community Preservation Committee. Additional communication was received from the CPC Chair Richard Halpern dated August 1, 2016 recommending her appointment as an at-large member.

Motion made by Selectman Cahalane to appoint Dawn M. Thayer to the Community Preservation Committee to serve as an at-large member for a term to expire June 30, 2017.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

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Approval of appointment to the Conservation Commission, Chad Smith:

Correspondence was received from Chad Smith dated July 21, 2016 requesting to be appointed as a member of the Conservation Commission. On July 28, 2016 the Conservation Commission voted unanimously to recommend Mr. Smith's appointment as a full-time commissioner.

Motion made by Selectman Cahalane to appoint Chad Smith as a full voting member of the Conservation Commission as recommended.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Review and approval of Draft #1 of October Town Meeting Warrant:

Draft #1 of the Annual Town Meeting Warrant of Monday, October 17, 2016 was presented to the Board of Selectmen in their informational packet for review. It was recommended the Board conduct an initial review of the articles prior to the next draft. Any questions shall be directed to the Town Manager, and Department Heads, boards, committees if required would be present at the next meeting to review their submissions. It is anticipated the Board of Selectmen would formally vote on the warrant at their meeting of August 22, 2016.

Late filed is an article unanimously approved by the Capital Improvement Program (CIP) Committee at their August 4, 2016 meeting to recommend a Town Meeting article to the Board of Selectmen to transfer the sum of \$83,000 from the Ambulance Receipts Reserve Fund for Appropriation Account to the Fire & Rescue Department Fiscal 2017 Expense Account to fund a new medical and fire reporting system.

Fire Chief Tom Rullo was in attendance to review the replacement project with members of the Board of Selectmen. The current medical reporting software is being replaced by the vendor and it has become cost prohibitive. The current fire reporting software has been discontinued, and the vendor has requested the Town replace the product. A new system could integrate the dispatch of medical and fire reports. The new component also interfaces with ambulance billing. The purchase includes training and would provide for more accurate data input and integration with the state dispatch center. It was noted the current software in not correctly reporting data and there is risk of system failure.

In the matter of compliance, the CIP unanimously recommended an article for the Fire Department to upgrade their dispatch system using ambulance receipts funding.

Board of Selectmen
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August 8, 2016

Review and approval of Draft #1 of October Town Meeting Warrant: (continued)

Motion made by Selectman Cahalane to approve the placement of the Fire Department article on the October warrant to upgrade their dispatch system as recommended.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

Review and approval of revisions to Board of Selectmen Policy 037, Placement of Temporary Signs:

At the last Selectmen's Meeting, the Board approved the request of Castleberry Fairs to place temporary signs announcing the Annual Mashpee Arts & Crafts Festival; 24 hours in advance of the event, two signs only, one on Route 28 and the other on Route 151, to be removed when the event concludes on August 7, 2016. The request was for location only for the annual fundraiser event sponsored by the Mashpee Public Library. In concern it was noted the applicant placed 22 signs on both private and public sites, and further, the signage was not removed after the event. In response to this concern a proposed policy, No.037 regarding Temporary Sign Placement was presented to the Board of Selectmen for review and approval.

Discussion followed with respect to signage as it relates to zoning and enforcement. Bylaw amendments would be required if the Town was to impose penalties for illegal or improperly placed signage. It was agreed the Board of Selectmen would collectively investigate the Town's sign bylaws and matters associated to the full sign issue. Regarding enforcement, it was further agreed the Board would give clarity to the Town Manager with regards to authorizing a building official and/or town employee to be designated to remove improperly placed signs.

Motion made by Selectman Sherman to adopt Policy No. 037 – Temporary Sign Placement as presented as an interim, and authorize the Town Manager to designate a Town employee of his selection to remove improperly placed signage. This matter is pending review of the temporary signage issue in its entirety.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

It was agreed the Board of Selectmen at their next meeting, would consider a draft article with respect to the placement of temporary signage for the October Town Meeting.

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Review and approval of Agreement between the Town of Mashpee and the Barnstable County Sheriff's Department, Conditions and Operating Policies for the Operation of a Communications Center for the Town of Mashpee by the Barnstable County Sheriff's Office:

The Board of Selectmen reviewed the proposed Agreement between the Town of Mashpee and the Barnstable County Sheriff's Department for the cooperative operation of a primary fire department dispatch system. The agreement shall cover the period from July 1, 2016 through June 30, 2017.

It was noted the Sheriff's Department is no longer processing contracts of Memorandums of Understandings (MOU's) for dispatch services. Rodney C. Collins Town Manager through his memorandum of August 3, 2016 with respect to this regard has strongly recommended that a contract be developed to establish known costs as well as articulating terms and conditions for the renewal process associated to dispatch services.

The cost of the combined fee for Fire Dispatch and use of the Centralized Medical Emergency Direction (CMED) radio system for fire department ambulances transporting patients to the hospital for fiscal year 2017 is \$106,655.89.

It was noted that funding to continue this service has been appropriated for FY17 through the Fire Department operating budget. It is the agreement of the Board of Selectmen to arrange a future meeting with the Sheriff and his staff to further review this matter.

LIAISON REPORTS

Special Events: The Mashpee Police Department recently hosted the National Night Out event and the Board of Selectmen commended the police department for their initiative and expressed appreciation to the Mashpee community for an overwhelming turn-out.

Community Preservation: It was announced the Mashpee Community Park project is deemed complete. The project was funded by the CPA, and \$1,282.85 will be returned to the Community Preservation Committee account. The project has been successful and beneficial to the Mashpee community.

Town Manager's Task Force: It was reported the first Town Manager's Task Force was recently held to address the opiate epidemic. This project has been prioritized for remediation. The task force consists of the Director of Human Services, the Chief of Police, Board of Health Agent and a paid professional who will meet on a regular basis to address this matter. The Town Manager will be apprised of all issues and will periodically give a progress update to the Board of Selectmen.

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August 8, 2016

EXECUTIVE SESSION

Adjournment:

Motion made by Selectman Cahalane to adjourn at 8:16 p.m.

The Board of Selectmen will enter into Executive Session at this time for the purpose of receiving an update on matters associated to contract negotiations between Town of Mashpee and Mashpee Permanent Fire Fighters Association, IAFF Local 2519.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Gottlieb, yes
Selectman Cotton, yes**

**Selectman Cahalane, yes
Selectman Sherman, yes**

**Selectman O'Hara, yes
Opposed, none**

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen



RECEIVED

2016 AUG -8 AM 9:20

Town of Mashpee

Special Events Application

PART I

Date of Application August 8, 2016

Application must be completed and returned to the Selectmen's Office, 21 calendar days prior to the commencement date of the event.

Name of Event Church Without Walls - (Mashpee Baptist Church)
(i.e. organization, company etc.)

Address 27 Great Neck Rd No. Telephone No.

Tax I.D. No. _____

Name of Applicant Mashpee Baptist Church
(i.e. individual/representative of organization)

Address Same as Above Telephone No. Contract (LOLA MCCRAY - 4)

Over 18? Yes.

Type of Event Church Service + Church Picnic -
Also a tent will be erected. -

Date(s) of Event Sunday - Aug 28, 2016 Time(s) of Event 9:00 AM - 4:00

Meeting attendance
Lola confirmed on 8.17

TOWN OF MASHPEE PUBLIC/SPECIAL EVENTS REGULATIONS

SELECTMEN'S OFFICE CRITERIA

1. Application must be completed and returned to the Selectmen's Office 21 calendar days prior to the commencement date of the event.
2. Bond and/or insurance requirements must be attached to the application.

POLICE DEPARTMENT CRITERIA

1. Police official(s) upon review of the public/special event application shall determine the need for a private police detail to conduct order maintenance, security and/or traffic control, and
 - a. If a private detail is required, determine the number of shifts and officers required.
 - b. Determine if advanced payment for detail officers is required.
2. When applicable, police officials upon review of a public/special events application and/or after conducting an on-site inspection/survey, will ascertain what crime prevention/security measures should be implemented prior to commencing the event.
3. The applicant/organization must provide a roster(s) containing the name, date of birth and motor vehicle data of all employees/officials, vendors and security personnel upon presentation of the public/special events application to the police official(s) review of said application.
4. The Police Department shall investigate public special events' applications submitted to the Police Department from the Board of Selectmen's Office. The Department shall investigate the legality of the event applied for and the applicant's fitness to be in control of such event.

FIRE DEPARTMENT CRITERIA

When applicable, fire-rescue official(s) upon review of a public/special event's application and/or after conducting an on-site inspection/survey will ascertain what fire prevention/ambulance-rescue measures should be implemented prior to commencing the event.

BUILDING INSPECTION DEPARTMENT CRITERIA

When applicable, the Building Inspection Department upon review of a public/special events application and/or after conducting an on-site inspection/survey will ascertain what provisions of the State Building Code must be complied with prior to commencing the event.

BOARD OF HEALTH CRITERIA

1. Sketch of use of area showing location of display/sale/entertainment/food booths.
2. Estimate of people expected for portable johns.
3. Types of food to be offered, where prepared, when prepared and where served.
4. Are overnight trailers to be used; are they self-contained, where will they be emptied, as Mashpee does not have a facility for this.
5. If serving food, applicant must fill out a Temporary Food Application. This application can be downloaded from the Mashpee Board of Health web-site and must be submitted **2 weeks prior** to the event. If this is a non-profit organization, submission of a 501(c)3 is required. If event starts on Saturday or Sunday, food dispersing areas and johns are to be ready for inspection by 3 p.m. on Friday.

When events are schedule during the week, food dispersing areas and johns are to be ready for inspection at least five (5) hours before opening.


6. State and Mashpee regulations for food handling must be complied with or no food sale will be permitted.
7. The vendors will meet with the Board of Health Agent to clear all requirements one week prior to event.

Event: Church without Walls

Date: Sunday, August 28, 2016

DPW

APPROVAL ☒ DISAPPROVAL ☐


Name

DPW Director

Position

8-12-16

Date

Is Facility Use Fee required?

YES ☐

NO ☒

If YES, what is amount? _____

Other requirements/recommendations:

- Restroom facilities Applicant will provide 2-3 portable toilets in Community Park parking lot.
- Trash/recycling receptacles Applicant will provide additional trash and recycling receptacles (proposing to cook food onsite; any grills used shall comply with Fire Department requirements in terms of location)
- Trash/recycling collection/disposal All trash and recycling will be picked up and removed at the end of the event.
- Parking Will use parking lot
- Electricity Applicant has requested electricity in Pavilion
- Lighting N/A (event ends at 4 pm)
- Route safety/signage N/A
- Other Applicant is requesting tent from Sheriff's Department; location for erection of tent will have to be approved by DPW

POLICE DEPARTMENT

Thomas Rose

☒ **APPROVAL**

☐ **DISAPPROVAL**

Lt.

8.8.16

Police Official Name

Rank

Date

Detail Police Officers Needed? ☐ YES ☒ NO If Yes, how many _____

Detail Duty Days and Hours _____

Is an on-site crime prevention/public safety survey needed? ☐ Yes ☒ No

Survey recommendations (surveyor must consider communications, traffic, crowd and possible criminal activity problems).

A roster(s) containing names, date of birth and motor vehicle data of all employees/officials, vendors, security personnel **MUST** be submitted to the police with this application.

Other requirements/recommendations: _____

APPROVAL X DISAPPROVAL

8-8-2016

Date _____

There are no requirements from the Fire Department for the event Church's without walls

APPROVAL _____ DISAPPROVAL _____

Date _____

Inspections to be conducted by Health Agent _____

Other requirements/recommendations: _____

Church w/o walls

FIRE DEPARTMENT

APPROVAL _____ DISAPPROVAL _____

Fire Official Name

Rank

Date

Other requirements/recommendations:

HEALTH DEPARTMENT

APPROVAL ☒ DISAPPROVAL _____

Allen E. HAD

Health Agent

8/15/16

Health Official Name

Position

Date

Inspections to be conducted by Health Agent: N/A

Other requirements/recommendations: _____

BUILDING INSPECTOR'S DEPARTMENTAPPROVAL ✓ DISAPPROVAL _____Michael Henderson

Building Inspector's Official Name

BLDG Commissioner 8/8/16

Position

Date

Requirements/recommendations needed (include Town By-Law requirements, Building Code, and other inspections i.e. electric, gas, plumbing, if applicable).

Permit for Tent

BOARD OF SELECTMEN'S OFFICE

APPROVAL _____ DISAPPROVAL _____

Date: _____

Permits needed _____

PART III

All applicants are advised that the premises is subject to inspection by the aforementioned Town departments 72 hours prior to the scheduled event and at other reasonable unannounced periods during the scheduled event. Failure to comply with the requirements imposed by the Town departments mentioned in this application may be cause for revocation of permits issued.

I acknowledge the requirements stipulated in this application and will comply with it.

Signature of Applicant

Date



TOWN OF MASHPEE

OFFICE OF SELECTMEN

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone - (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

TO: Andrew R. Gottlieb, Chairman
and Honorable Members of the Board of Selectmen

FROM: Teresa Villa, Administrative Secretary *for*

DATE: *August 15, 2016*

RE: Special Event Application – Wedding Rehearsal Clambake

At the request of the Town Manager, I am submitting the attached Special Events Application for your consideration. The applicants, Richard Klein and Karen Faulkner, are requesting to hold their wedding rehearsal dinner (clambake) on Friday, September 23, 2016 from 4 p.m. to 7 p.m. at Mashpee-Wakeby Pond.

The application was circulated to the various Town departments, and the following comments/requirements were made:

- DPW – approved without comment
- Police Department – approved without comment
- Fire Department – approved with requirement for Town of Mashpee propane permit for 1 year, at a cost of \$90, filled out by the Clambakes, Etc. This permit can be picked up at the Fire Station.
- Board Of Health – approved with requirement for temporary food permit or catering license required for event; temporary food/catering inspection; port-a-potties to be made available to abate a nuisance
- Inspections – approved with requirement to obtain a permit for the tent



Town of Mashpee

Special Events Application

PART I

Date of Application July 29, 2016

Application must be completed and returned to the Selectmen's Office, 21 calendar days prior to the commencement date of the event.

Name of Event Wedding rehearsal clambake
(i.e. organization, company etc.)

Address 205 Ashers Path West Telephone No. _____
Mashpee, MA

Tax I.D. No. _____

Name of Applicant Richard Klein + Karen Faulkner
(i.e. individual/representative of organization)

Address _____ Telephone No. _____
Mashpee

Over 18? applicants are over 18

Type of Event wedding rehearsal dinner (clambake)
out of town guests + wedding party

Date(s) of Event Sept. 23, 2016 Time(s) of Event 4pm - 7pm

See attached addendum for
particulars

KL D. FL
R. U. Flan

Meeting Attendance
Richard Confirmed 8.17

TOWN OF MASHPEE SPECIAL EVENTS APPLICATION ADDENDUM

Richard Klein and I, Karen Faulkner, reside at 205 Ashers Path West, Mashpee, MA.

We are both in our early 70's. We are getting married to each other on Saturday, September 24, 2016. We would like to have a clambake for our out-of-town wedding guests on Friday, September 23, 2016, at the Mashpee-Wakeby pond from 4:00 p.m.

until 7:00 p.m. None of our guests have ever been to Cape Cod. We anticipate that

there will be no more than 22 guests, including ourselves. The event will be catered by Clambakes, Etc. They will bring a self-contained food truck and station it in the parking lot near the pond. All food will be prepared on the truck. No electricity will be necessary as twilight on September 23 is at 7:03 p.m., at about when the party concludes.

Clambakes, Etc. has advised that they will arrive several hours before the party to prepare the food, set up tables and chairs, etc. NSC Restrooms will provide a porta-potty for the guests which will be placed toward the back of the parking lot by noon on September 23 and removed from the premises thereafter. At the conclusion of the party, Clambakes, Etc. will remove their truck, everything they place on the parking lot and the beach along with all trash, leaving the beach and parking area as they found it. Attached are copies of Clambakes Etc.'s current certificate of liability insurance, their food establishment license and their ServeSafe Certification for their employee, Jason Maguire, who will be in charge of the preparation of the food for the party.

If you need further information from the vendor, you may contact:

Clambakes, Etc.
10 Jan Sebastian Drive
Sandwich, MA
Attn: Jason Maguire.
Tel: (774) 413-9191

Given that none of the invitees are younger than age 55, we do not anticipate any problems whatsoever.

Very truly yours,

Karen D. Faulkner

Richard N. Klein

K D. FL
7/29/16

Richard N. Klein
7/29/16

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/01/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER USI Insurance Services LLC-SCL 103 Main Street South Glens Falls, NY 12803 855 874-0123		CONTACT NAME: Nancy Durkin PHONE (A/C, No, Ext): 855 874-0123 FAX (A/C, No): 877-775-0110 E-MAIL ADDRESS: Nancy.Durkin@USI.COM	
INSURED Bakes Etc. Inc. dba Clambakes Etc 2952 Falmouth Road Osterville, MA 02655		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Atain Specialty Insurance Compa	
		INSURER B: USLI Companies	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		NAIC # 17159 9999	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CIP209108002	05/22/2016	05/22/2017	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$ COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ EACH OCCURRENCE \$ AGGREGATE \$ \$ PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				
B	Liquor Liab			CL1572356D	04/30/2016	04/30/2017	\$1,000,000 Per Person \$1,000,000 Per Accident \$2,000,000 Aggregate

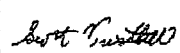
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Job description: Catering

Wedding: June 4, 2016 Ken Winslow is added as additional insured for General Liability as respects to activities of the named insured and as required by written contract.

CERTIFICATE HOLDER

CANCELLATION

Ken Winslow 4 Ewing Drive South Orleans, MA 02662	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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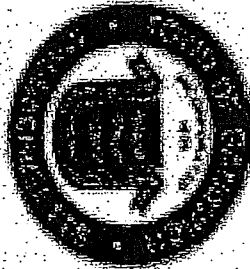
COMMONWEALTH OF MASSACHUSETTS

Town of Sandwich
Board of Health

10 Jan Sebastian Drive

Sandwich, MA 02563

508-888-1200



Permit Number:

18-44

Fees:

\$75.00

This Food Establishment License for 2016 granted to:

Clambakes Etc.

o/sun

10 Jan Sebastian Drive

Sandwich, MA 02563

in accordance with Regulations promulgated under authority of Chapter 94, Section 705A and Chapter 111, Section 5 of the General Laws.
This license is granted in conformity with the statutes and ordinances relating thereto, and expires
December 31, 2016 unless suspended or revoked and is non-transferable.

David B. Mason, RB, CHD

David B. Mason

DSM

12/22/15
Date Issued



EXAM FORM NO. 4704
CERTIFICATE NO. 000417

ServSafe® Certification

JASON W. MACQUIRE

For successfully completing this examination for food safety and food handling knowledge, the National Restaurant Association is pleased to certify that you have met the requirements for ServSafe certification.

02/21/2012

02/21/2017

DATE OF EXPIRATION
This certification is valid for two years from the date of issuance. If you wish to renew your certification, you must retake the exam.



Jason W. Macquire

NATIONAL
RESTAURANT
ASSOCIATION

ATTAGUIN PARK
9-23-16

(Karen)

DEPARTMENT OF PUBLIC WORKS (DPW) CRITERIA

1. If the event is proposed on Town-owned property, the applicant is subject to the requirements of the Town of Mashpee Facility/Field Use Policy, including any fees for use of the property, except as waived by the Board of Selectmen.
2. If the event is proposed to utilize Town roads, sidewalks or multi-use paths, a map of the proposed route shall be provided. The applicant shall also indicate what traffic control measures (traffic cones/barrels, message boards, signage, etc.) are proposed along the route and whether provision of these measures is requested by the DPW.
3. The applicant shall provide an estimate of the number of participants/attendees expected. This estimate will be used to determine the need for parking, toilet facilities, and trash/recycling receptacles.
4. The applicant shall indicate whether electricity is requested and for what purpose. If electricity is not available on site, the applicant is responsible for making arrangements for its provision. They should identify by what means it will be provided to ensure proper safety protocols are followed.
5. If the hours of the event extend beyond dusk or begin before dawn, the applicant may be responsible for providing lighting if it is not available onsite and is deemed necessary for safety/security reasons.
6. The applicant shall be responsible for clean-up of the property immediately following the event, unless otherwise approved.

PART II

This application must be presented by appointment each of the Town agencies listed hereunder for review and, when applicable, for approval/disapproval.

DPW

☒

APPROVAL

☐ DISAPPROVAL

CATHERINE LAURENT

DPW DIRECTOR

8-11-16

Name

Position

Date

Is Facility Use Fee required?

☐ YES

☒

NO

If YES, what is the amount? _____

Other requirements/recommendations:

- Restroom facilities PROVIDED
- Trash/recycling receptacles PROVIDED
- Trash/recycling collection/disposal PROVIDED
- Parking ON SITE
- Electricity N/A
- Lighting N/A
- Route safety/signage N/A

Klein - wedding Rehearsal + Cleanup 9/23/16

FIRE DEPARTMENT

APPROVAL _____ DISAPPROVAL _____

Fire Official Name

Rank

Date

Other requirements/recommendations:

HEALTH DEPARTMENT

APPROVAL ☒ DISAPPROVAL _____

Alan E. B. D.

Health Official Name

Health Agent 8/1/16

Position

Date

Inspections to be conducted by Health Agent

Temporary Food / Catering Insp.

Other requirements/recommendations:

*Temporary Food Permit or
catering license required for event. Port-a-
potties to be made available to abate a nuisance.*

POLICE DEPARTMENT

Tom Rose

☒

APPROVAL

H.

DISAPPROVAL

8.2.16

Police Official Name

Rank

Date

Detail Police Officers Needed? _____ YES ☒ NO If Yes, how many _____

Detail Duty Days and Hours _____

Is an on-site crime prevention/public safety survey needed? _____ Yes ☒ No

Survey recommendations (surveyor must consider communications, traffic, crowd and possible criminal activity problems).

A roster(s) containing names, date of birth and motor vehicle data of all employees/officials, vendors, security personnel **MUST** be submitted to the police with this application.

Other requirements/recommendations: _____

APPROVAL X DISAPPROVAL

8-1-2016

Date _____

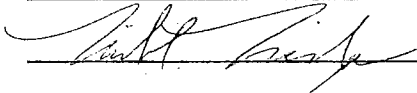
This permit can be picked up at the fire station.

APPROVAL _____ DISAPPROVAL _____

Date _____

Inspections to be conducted by Health Agent _____

Other requirements/recommendations: _____

BUILDING INSPECTOR'S DEPARTMENT

Building Inspector's Official Name

APPROVAL ☒DISAPPROVAL ☐

BEDO Commissioner

Position

7/29/16

Date

Requirements/recommendations needed (include Town By-Law requirements, Building Code, and other inspections i.e. electric, gas, plumbing, if applicable).

Tent Permit**BOARD OF SELECTMEN'S OFFICE**APPROVAL ☐DISAPPROVAL ☐


Date: _____

Permits needed _____

PART III

All applicants are advised that the premises is subject to inspection by the aforementioned Town departments 72 hours prior to the scheduled event and at other reasonable unannounced periods during the scheduled event. Failure to comply with the requirements imposed by the Town departments mentioned in this application may be cause for revocation of permits issued.

I acknowledge the requirements stipulated in this application and will comply with it.



Signature of Applicant

7/29/16

Date

K D. FL

7/29/16



TOWN OF MASHPEE

OFFICE OF SELECTMEN

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone - (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

TO: Andrew R. Gottlieb, Chairman
and Honorable Members of the Board of Selectmen

FROM: Teresa Villa, Administrative Secretary *TJV*

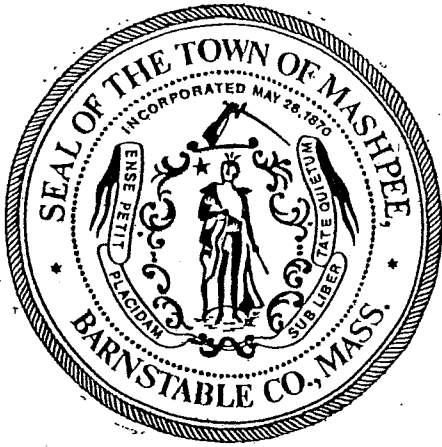
DATE: August 16, 2016

RE: Special Event Application – RUCK 4 HIT 5K (for Heroes in Transition)

At the request of the Town Manager, I am submitting the attached Special Events Application for your consideration. The applicant, Nicole Spencer, is requesting to have a 5K race “RUCK 4 HIT 5K (for Heroes in Transition)” at South Cape Beach on Sunday, September 25, 2016 from 4:00 p.m. to 7:00 p.m. This race will benefit Heroes in Transition’s PTSD Programs.

The application was circulated to the various Town departments, and the following comments/requirements were made:

- DPW – approved with recommendations that participants will use two portable toilets provided by the Town at the beach; participants will use trash and recycling receptacles provided (only water proposed; no other food or beverage at event)
- Police Department – approved without comment
- Fire Department – approved without comment
- Board Of Health – approved with comment confirming that there will be no food at the event and portable toilets are available in the parking lot
- Inspections – approved with requirement to obtain a permit for a tent, if one is used; and also obtain a permit for any road signs that may be installed prior to the event



Town of Mashpee

Special Events Application

PART I

Date of Application July 29, 2016

Application must be completed and returned to the Selectmen's Office, 21 calendar days prior to the commencement date of the event.

Name of Event Ruck 4 Hit 5K (for Heroes in Transition)
(i.e. organization, company etc.)

Address _____ Telephone No. _____

Tax I.D. No. 27-1981637

Name of Applicant Nicole Spencer
(i.e. individual/representative of organization)

Address 6 _____ Telephone No. _____

ARE YOU OVER 18 Yes.

Type of Event This will be a 5K (out and back)
Starting and finishing on South Cape Beach.
Ruck 4 Hit 5K is a fundraiser for Heroes
In Transition's PTSD Programs.

Date(s) of Event Sun Sept. 25 Time(s) of Event ~~5-7:30~~ 4-7 pm

Meeting Attendance
Nicole confirmed 8.17

TOWN OF MASHPEE PUBLIC/SPECIAL EVENTS REGULATIONS

SELECTMEN'S OFFICE CRITERIA

1. Application must be completed and returned to the Selectmen's Office 21 calendar days prior to the commencement date of the event.
2. Bond and/or insurance requirements must be attached to the application.

POLICE DEPARTMENT CRITERIA

1. Police official(s) upon review of the public/special event application shall determine the need for a private police detail to conduct order maintenance, security and/or traffic control, and
 - a. If a private detail is required, determine the number of shifts and officers required.
 - b. Determine if advanced payment for detail officers is required.
2. When applicable, police officials upon review of a public/special events application and/or after conducting an on-site inspection/survey, will ascertain what crime prevention/security measures should be implemented prior to commencing the event.
3. The applicant/organization must provide a roster(s) containing the name, date of birth and motor vehicle data of all employees/officials, vendors and security personnel upon presentation of the public/special events application to the police official(s) review of said application.
4. The Police Department shall investigate public special events' applications submitted to the Police Department from the Board of Selectmen's Office. The Department shall investigate the legality of the event applied for and the applicant's fitness to be in control of such event.

FIRE DEPARTMENT CRITERIA

When applicable, fire-rescue official(s) upon review of a public/special event's application and/or after conducting an on-site inspection/survey will ascertain what fire prevention/ambulance-rescue measures should be implemented prior to commencing the event.

BUILDING INSPECTION DEPARTMENT CRITERIA

When applicable, the Building Inspection Department upon review of a public/special events application and/or after conducting an on-site inspection/survey will ascertain what provisions of the State Building Code must be complied with prior to commencing the event.

BOARD OF HEALTH CRITERIA

1. Sketch of use of area showing location of display/sale/entertainment/food booths.
2. Estimate of people expected for portable johns.
3. Types of food to be offered, where prepared, when prepared and where served.
4. Are overnight trailers to be used; are they self-contained, where will they be emptied, as Mashpee does not have a facility for this.
5. If serving food, applicant must fill out a Temporary Food Application. This application can be downloaded from the Mashpee Board of Health web-site and must be submitted **2 weeks prior** to the event. If this is a non-profit organization, submission of a 501(c)3 is required. If event starts on Saturday or Sunday, food dispersing areas and johns are to be ready for inspection by 3 p.m. on Friday.

When events are schedule during the week, food dispersing areas and johns are to be ready for inspection at least five (5) hours before opening.

6. State and Mashpee regulations for food handling must be complied with or no food sale will be permitted.
7. The vendors will meet with the Board of Health Agent to clear all requirements one week prior to event.

DEPARTMENT OF PUBLIC WORKS (DPW) CRITERIA

1. If the event is proposed on Town-owned property, the applicant is subject to the requirements of the **Town of Mashpee Facility/Field Use Policy**, including any fees for use of the property, except as waived by the Board of Selectmen.
2. If the event is proposed to utilize Town roads, sidewalks or multi-use paths, a map of the proposed route shall be provided. The applicant shall also indicate what traffic control measures (traffic cones/barrels, message boards, signage, etc.) are proposed along the route and whether provision of these measures is requested by the DPW.
3. The applicant shall provide an estimate of the number of participants/attendees expected. This estimate will be used to determine the need for parking, toilet facilities, and trash/recycling receptacles.
4. The applicant shall indicate whether electricity is requested and for what purpose. If electricity is not available on site, the applicant is responsible for making arrangements for its provision. They should identify by what means it will be provided to ensure proper safety protocols are followed.
5. If the hours of the event extend beyond dusk or begin before dawn, the applicant may be responsible for providing lighting if it is not available onsite and is deemed necessary for safety/security reasons.
6. The applicant shall be responsible for clean-up of the property immediately following the event, unless otherwise approved.

PART II

This application must be presented by appointment each of the Town agencies listed hereunder for review and, when applicable, for approval/disapproval.

DPW

_____ APPROVAL

_____ DISAPPROVAL

Name

Position

Date

Is Facility Use Fee required?

_____ YES

_____ NO

If YES, what is the amount? _____

Other requirements/recommendations:

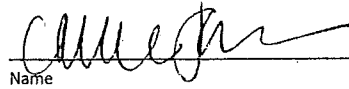
- Restroom facilities _____
- Trash/recycling receptacles _____
- Trash/recycling collection/disposal _____
- Parking _____
- Electricity _____
- Lighting _____
- Route safety/signage _____

Event: Ruck 4 HIT 5K (Heroes in Transition)

Date: Sunday, September 25, 2016

DPW

APPROVAL ☒ DISAPPROVAL ☐



DPW Director

8-12-16

Name

Position

Date

Is Facility Use Fee required?

YES ☐

NO ☒

If YES, what is amount? _____

Other requirements/recommendations:

- Restroom facilities Will use two portable toilets provided by Town at beach (expectation is up to 100 runners)
- Trash/recycling receptacles Will use trash and recycling receptacles provided (only water proposed; no other food/beverage or event)
- Trash/recycling collection/disposal N/A
- Parking Will use beach parking lot
- Electricity N/A
- Lighting N/A
- Route safety/signage N/A (course is one beach itself)

POLICE DEPARTMENT

THOMAS ROSE

Police Official Name

X APPROVAL

Lieutenant

Rank

DISAPPROVAL

8-10-16

Date

Detail Police Officers Needed? YES NO If Yes, how many

Detail Duty Days and Hours

Is an on-site crime prevention/public safety survey needed? Yes No

Survey recommendations (surveyor must consider communications, traffic, crowd and possible criminal activity problems).

A roster(s) containing names, date of birth and motor vehicle data of all employees/officials, vendors, security personnel **MUST** be submitted to the police with this application.

Other requirements/recommendations:

Heroes in Transition

FIRE DEPARTMENT

APPROVAL _____ DISAPPROVAL _____

Fire Official Name

Rank

Date

Other requirements/recommendations:

HEALTH DEPARTMENT

APPROVAL ☒ DISAPPROVAL _____

Ellen E. H. D.

Health Agent 8/15/16

Health Official Name

Position

Date

Inspections to be conducted by Health Agent None

Other requirements/recommendations: no food - first-aid kit available
in parking lot.

APPROVAL _____X_____DISAPPROVAL_____

8-15-2016

Date _____

There are no requirements from the Fire Department for this race

APPROVAL _____ DISAPPROVAL _____

Date _____

Inspections to be conducted by Health Agent _____

Other requirements/recommendations: _____

BUILDING INSPECTOR'S DEPARTMENT

APPROVAL ☒ DISAPPROVAL ☐

Michael Mendoza

BLDG Commissioner 8/11/16

Building Inspector's Official Name

Position

Date

Requirements/recommendations needed (include Town By-Law requirements, Building Code, and other inspections i.e. electric, gas, plumbing, if applicable).

IF TENTS ARE USED, THEY SHOULD CHECK WITH US.
FOR PERMITS
AND ROAD SIGNS PRIOR TO THE EVENT BEING
INSTALLED?

BOARD OF SELECTMEN'S OFFICE

APPROVAL ☐ DISAPPROVAL ☐

Date: _____

Permits needed _____

PART III

All applicants are advised that the premises is subject to inspection by the aforementioned Town departments 72 hours prior to the scheduled event and at other reasonable unannounced periods during the scheduled event. Failure to comply with the requirements imposed by the Town departments mentioned in this application may be cause for revocation of permits issued.

I acknowledge the requirements stipulated in this application and will comply with it.

Marion Spencer

7-29-16

Signature of Applicant

Date

The Allen J. Flood Companies, Inc.

A Subsidiary of Philadelphia Insurance Companies



PHILADELPHIA
INSURANCE COMPANIES

A Member of the Tokio Marine Group

Heroes In Transition
Participant Accident Insurance Quotation
August 10, 2016

Coverage, Benefits & Limits

Accident Medical Expense:	\$25,000 (per Participant, per Accident)
Accident Medical Expense Aggregate:	No Aggregate
Benefit Amount:	100% of Usual & Customary Charge
Accident Dental Expense:	Included in Medical
Deductible:	\$0
Benefit Period:	52 Weeks
Plan Type:	Full Excess
Accidental Death:	\$25,000
Accidental Dismemberment & Paralysis	\$50,000
AD&D and Paralysis Aggregate:	\$500,000 (per Accident)

Premium

Policy Premium:	\$300
Minimum and Earned Policy Premium:	\$300

Eligible Persons

All registered participants and volunteers of the Policyholder.

Covered Activities

Participation in and attendance at the following Policyholder Supervised and Sponsored activities: One Day Walk/Run Event on 9/25/16

Travel arranged or provided by the Policyholder is included.

Underwriting & Administration

The plan is underwritten by Philadelphia Indemnity Insurance Company (PIIC). PIIC is rated, A++, Superior, by A.M. Best & Company. If the terms are acceptable, The Allen J. Flood Companies, a PIIC Company, will issue the policy to the agent. The invoice will be issued on a direct bill basis to the agent's customer. Claims are administered by NAHGA Claim Services, Inc. of Bridgton, Maine.

This quotation is based upon the underwriting information submitted. Changes to the underwriting information must be reported and may affect quotation.

TOWN OF MASHPEE PUBLIC HEARING NOTICE

The Mashpee Board of Selectmen, acting as the Local Licensing Authority for the Town of Mashpee, will conduct a public hearing on Monday, August 22, 2016 at 6:45 p.m. in the Waquoit Meeting Room of Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA. The purpose of said hearing is to consider a request by Barnstable Pizza & Pasta, Inc. dba Finally Dino's, to modify its entertainment license. The public is invited to attend, and to present any questions, comments, or concerns they may have pertaining to this license.

Should you have any questions, please contact the Office of the Town Manager and Board of Selectmen at 508-539-1401.

Per Order of
Mashpee Board of Selectmen

Andrew R. Gottlieb, Chairman
John J. Cahalane, Vice-Chairman
Thomas F. O'Hara, Clerk
Carol A. Sherman
John J. Cotton



TOWN
OF

MASHPEE

PUBLIC HEARING NOTICE

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Per Order of
Mashpee Board of Selectmen
Andrew R. Gottlieb, Chairman
John J. Cahalane, Vice-Chairman
Thomas F. O'Hara, Clerk
Carol A. Sherman
John J. Cotton

August 12, 2016



Michael A. Dunning
Kevin M. Kirrane
Elizabeth A. McNichols
Brian F. Garner

Christopher J. Kirrane
Susan Sard White
Patricia McGauley, *of Counsel*
**Also admitted Illinois Bar*

August 10, 2016

Andrew Gottlieb, Chairman
Mashpee Board of Selectmen
16 Great Neck Road
Mashpee, MA 02649

Re: Barnstable Pizza & Pasta Co., Inc.
d/b/a Finally Dino's Pizza and Dino's Sports Bar

Dear Chairman Gottlieb:

As you know, this office represents Constantinos Mitrokostas, President of Barnstable Pizza & Pasta Co., Inc.

It is my understanding that Mr. Mitrokostas. has had an informal discussion with the Board and as a result thereof wishes to move forward with a Modification to the Entertainment License recently modified by the Board and currently in place relating to his premises situated at 401 Nathan Ellis Highway.

It is hereby requested that a Public Hearing on this Modification request be placed on the Board's agenda for Monday evening, August 22, 2016.

Should you have any questions in this regard please feel free to contact me.

Thank you in anticipation of your cooperation in this regard.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Kevin M. Kirrane', written over a horizontal line.

Kevin M. Kirrane

KMK/amb



Town of Mashpee

Department of Public Works

350 Meetinghouse Road
Mashpee, Massachusetts 02649
Telephone - (508) 539-1420
Fax - (508) 539-3894

MEMORANDUM

August 16, 2016

TO: Board of Selectmen
Rodney Collins, Town Manager

FROM: Catherine Laurent, Director *CL*

RE: Request for Approval of Change Order #3
Route 151 Corridor Engineering Design

Description

Approval is required for a change order to the agreement for the engineering design contract for reconstruction/improvements to Route 151. The total amount of the change order is \$236,713.12. The change order is for development of required ROW plans due to anticipated construction impacts beyond the ROW for Route 151, for structural design of 3 boardwalks required to cross wetlands, for structural design of 7 masonry retaining walls required due to topography/wetlands, and additional engineering for environmental permitting.

Background

The Town submitted an application to MassDOT to include Route 151 Reconstruction/Improvements on the Cape Cod Transportation Improvement Plan. The project was accepted and is currently scheduled for construction in FFY2020-2021. The Town is responsible for engineering/design of the project (being paid through Chapter 90), but once approved by MassDOT, the estimated \$9.2 million construction costs would be paid through the TIP.

The Town is currently finalizing 25% design plans. The conceptual plan for the project was approved by the Board of Selectmen at their meeting of April 2, 2015. The conceptual plans included the extension of the existing multi-use path located on the north side of Route 151 westward from where it currently ends at the Old Barnstable Road intersection to the Town Line. In addition, a sidewalk from Old Barnstable Road to the Winslow Drive is proposed.

Along this section of Route 151, there are a number of wetlands located within close proximity to the road. In order to minimize the impacts to these wetlands as well as permanent encroachment on abutting properties, construction of the multi-use path and sidewalk will require elevated boardwalks and retaining walls in a number of locations. Design of these structures were not included in the original scope of work for the project. In addition, as temporary construction

easements will be needed from private properties, development of ROW plans per MassDOT requirements, again not originally anticipated, will be necessary.

Recommendation

I recommend that the Board of Selectmen approve Change Order #3 in the amount of \$236,713.12. The total contract limit will be increased to \$578,213.12. (NOTE: The contract is only for engineering design through 25%. An additional change order will be required for work through 100% design/construction plans.)

Pros and Cons

Approval of Change Order #3 is required to meet the design requirements for extension of the multi-use path and construction of a sidewalk as described above.

Extension of the existing multi-use path will provide a continuous off-road path from the Town Line to Market Street at Mashpee Commons (extension of the path is also proposed from Frank E. Hicks Drive to Market Street). This path will provide safe accommodation for pedestrians and recreational bicyclists in multi-neighborhoods adjacent to Route 151 as well as access to all three Mashpee Schools, the Mashpee Public Library, the Mashpee Senior Center, the Boys & Girls Club, and numerous businesses.

Construction of a sidewalk on the south side of Route 151 from the Old Barnstable Road to Winslow Drive will provide safe accommodation for students from the Mashpee Middle/High School and other pedestrians to the businesses located on the south side of Route 151 and to the Winslow Farms neighborhood without having to cross three lanes of traffic.

In addition to the need for the multi-use path and sidewalk, pedestrian and bicycle accommodation is a design requirement of MassDOT. Any deviation from these requirements would necessitate the Town filing for a design waiver from MassDOT.

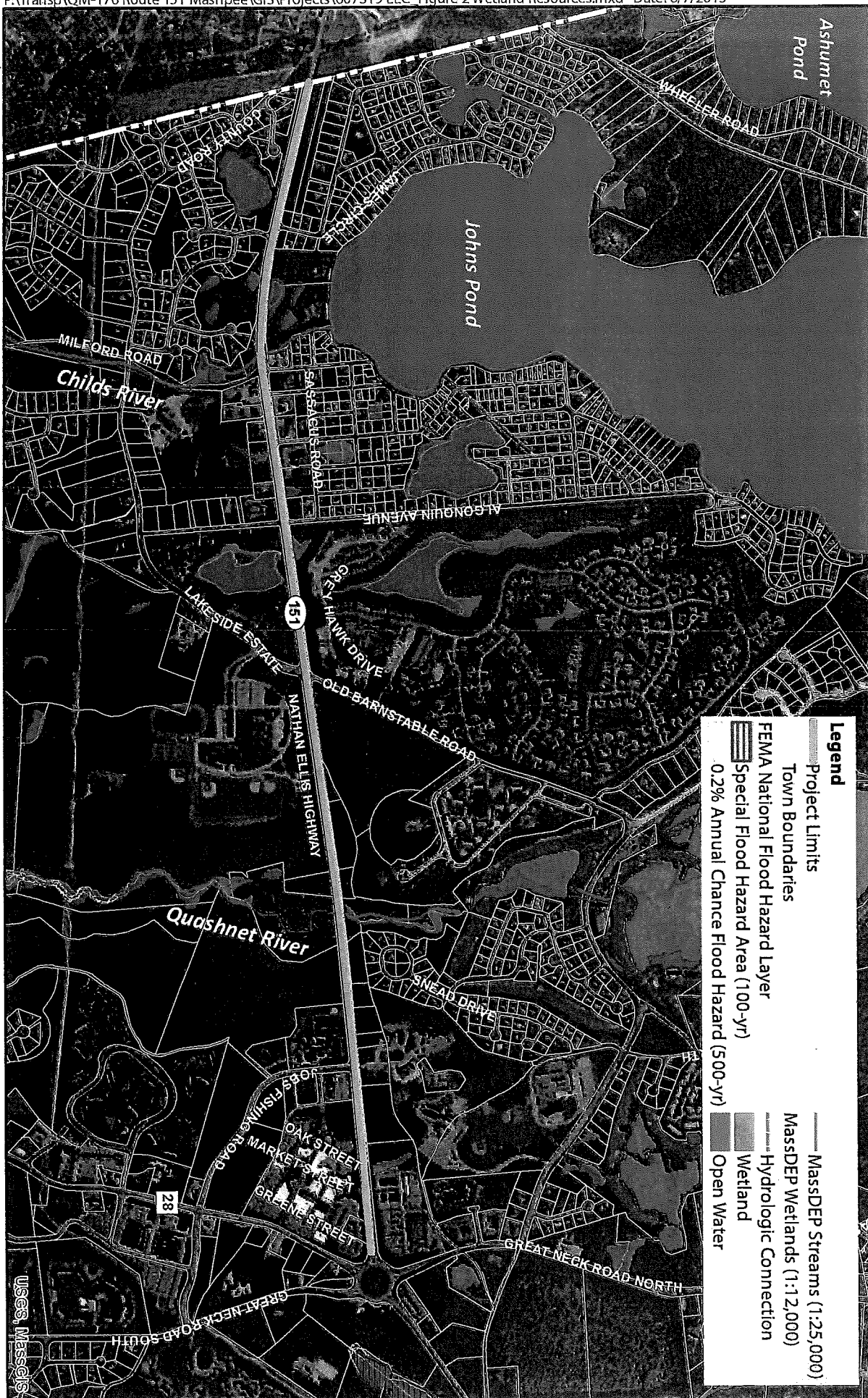


Figure 2: Wetlands & Floodplain

Route 151 (Nathan Ellis Highway) Corridor Improvements
Mashpee, Massachusetts



Map Source: Office of Geographic and Environmental Information
(MassGIS), Commonwealth of Massachusetts Executive Office of
Energy and Environmental Affairs. 2014 Orthophotography,
FEMA NFHL Data, <https://msc.fema.gov/portal>, 2014-09-17.



Stantec Consulting Services Inc.
146 Main Street Unit 3, Hyannis MA 02601-3128

July 29, 2016

Re: 179410166-Mashpee- Route 151- Nathan Ellis Highway

Ms. Catherine Laurent
DPW Director
Town of Mashpee
350 Meetinghouse Road
Mashpee, Massachusetts 02649

Dear Catherine:

REFERENCE: Change Order # 3

Route 151 (Nathan Ellis Highway) Corridor Design
Mashpee, Massachusetts

As we discussed recently, **Stantec** is pleased to provide you with a Scope and Fee for Change Order # 3, to cover miscellaneous items outside our original scope of services and beyond Change Orders #1 and #2. These tasks were developed in conversations with the MassDOT Bridge section in Boston and their requirement for review at the 25% level and in discussions with DEP regarding wetland impacts.

This Change Order #3 is broken down into the following work tasks:

Out-of Scope Right of Way

Since the existing Right of Way (ROW) is wide along Route 151, the original contract assumed no impacts to ROW. However, during the development of the 25% Design Submission, it was realized that property impacts are unavoidable and ROW plans are now required. This work involves defining ROW impacts and developing ROW plans which will include: Title Sheet; Typical Sections, Profiles, Location Plans, Summary Tables and Property Plans.

Boardwalk and Retaining Wall Design

This task includes boardwalk schematic and structural design for the three (3) pedestrian boardwalks and seven (7) stone masonry retaining walls (with safety railings on top) along the corridor. Geo-technical services related to the retaining wall design are included also.

Design with community in mind



July 29, 2016

Ms. Catherine Laurent 2 of 3

REFERENCE: CHANGE ORDER # 3 - Route 151- Nathan Ellis Highway

Environmental

This task includes additional hours for preparation and attendance at the pre-application coordination meetings with DEP/ACOE/ConCom, investigation into the feasibility of leaching subsurface structures and drainage swales and further review of potential MAHW limits in field and provision of sketches for designated wetlands.

The additional hours associated with all the above tasks are detailed in the attached scope and fee documents. The total fee for Change Order # 3 for the out-of-scope items noted above is \$236,713.12 which includes direct expenses totaling \$58,472.00. This increase will allow us to stay focused on our original scope and budget to further assist the Town on the above project.

We will require amending our original contract, dated June 18, 2013 and subsequent Change Orders # 1, dated March 20, 2015 and #2, dated April 21, 2015. The new contract fee is now broken down as follows:

Current Upset Limit	\$341,500 labor (\$221,730 labor + \$119,770 expenses)
Change Order # 3	<u>\$236,713.12</u> (\$178,241.12 Labor + \$58,472.00 expenses)
Revised Upset Limit	\$578,213.12 (\$399,971.12 labor + \$178,242 expenses)



July 29, 2016

Ms. Catherine Laurent 3 of 3

REFERENCE: CHANGE ORDER # 3 - Route 151- Nathan Ellis Highway

Our original *General Terms and Conditions* still apply. Should you have any questions please do not hesitate to contact me.

Regards,

STANTEC CONSULTING SERVICES INC.

Douglas C. Prentiss, P.E., PTOE
Senior Transportation Engineer
Phone: 781-221-1207
Douglas.prentiss@stantec.com

Attachment

Stantec

William J. Reed, P.E.
Senior Principal

7/28/16

Date

ACCEPT:

Town of Mashpee, Massachusetts

Date

FEE

The proposed fee summary for this Change Order # 3 is \$236,713.12.

Design with community in mind

ROUTE 151 (NATHAN ELLIS HIGHWAY) CORRIDOR DESIGN
MASHPEE, MASSACHUSETTS

CHANGE ORDER #3

As discussed with MassDOT, Stantec will conduct an alternatives analysis for the portion of the shared use path in areas of existing vernal pools and develop modifications to the proposed design for the incorporation of timber pedestrian boardwalks and stone masonry retaining walls to avoid and/or reduce environmental impacts.

The following information provides a comprehensive description of tasks that are required to complete the work described above.

SECTION 100 PROJECT DEVELOPMENT ENGINEERING

101 Project Concept Preparation (Development of Purpose and Need)

There is no additional work under this task.

102 Preliminary Project Area Analysis

There is no additional work under this task.

103 Reasonable Alternative(s) Identification

There is no additional work under this task.

104 Alternatives Analysis and Report Preparation

A Public Information Meeting was held on December 2, 2014. This meeting and preparation for this meeting was not included in the original contract or subsequent change orders. Stantec prepared a presentation and graphics for this meeting. Three engineers were in attendance at the meeting.

In addition, under this task item but not originally scoped was an alternatives analysis for the shared use path in areas of vernal pools with the intent of reducing or avoiding impacts. Stantec coordinated with MassDOT on redesign of the shared use path to minimize areas where boardwalks would need to be considered. This analysis was the result of the meeting with the Town, MassDOT and DEP on November 4, 2015.

SECTION 150 ENVIRONMENTAL

Several wetland areas along the project corridor have been defined as vernal pools. Due to the sensitivity of vernal pools and based on discussions with the Town, MassDOT and DEP at a meeting held on November 4, 2015, Stantec will revise the design in these areas to avoid or

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

reduce impacts. The following lists additional work required as a result of the vernal pool designations and additional permitting required.

151 Early Environmental Coordination Design Submission Checklist

There is no additional work under this task.

152 Historic/Archaeology – Federal Section 106 and State Chapter 254

There is no additional work under this task.

153 Reserved

There is no work under this task.

154 Hazardous Materials Research/Review

There is no additional work under this task.

155 Project Development Meetings and Public Hearings

Stantec will complete and review the environmental sections of the Bridge Type Selection Worksheet and Sketch Plans. In addition, this effort assumes time for two (2) internal project development meetings and coordination specific to the bridge type study report and sketch plans.

156 National Environmental Policy Act / Massachusetts Environmental Policy Act (NEPA/MEPA) Determination

There is no additional work under this task.

157 NEPA – Categorical Exclusion (CE)

There is no additional work under this task.

158 NEPA – Environmental Assessment (EA)

There is no work under this task.

159 NEPA – Draft Environmental Impact Statement (EIS)

There is no work under this task.

160 NEPA – Final Environmental Impact Statement (EIS)

There is no work under this task.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

161 NEPA Supplemental Environmental Impact Statement (EIS)

There is no work under this task.

162 NEPA Reevaluation

There is no work under this task.

163 MEPA – Environmental Notification Form (ENF)

There is no work under this task.

164 MEPA – Draft Environmental Impact Report (DEIR)

There is no work under this task.

165 MEPA – Final Environmental Impact Report (FEIR)

There is no work under this task.

166 MEPA Notice of Project Change

There is no work under this task.

167 MEPA Supplemental Environmental Impact Report

There is no work under this task.

168 Reserved

There is no work under this task.

169 Reserved

There is no work under this task.

170 USACE Section 404 General Permit (PGP)

There is no work under this task.

171 USACE Individual Section 404 Permit

There is no work under this task.

172 U.S. Coast Guard Bridge (USCG) Permit

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

There is no work under this task.

173 Programmatic Section 4(f) Evaluation

There is no work under this task.

174 Draft Individual Section 4(f) Evaluation

There is no work under this task.

175 Final Individual Section 4(f) Evaluation

There is no work under this task.

176 Wetland Resource Area Delineation

There is no additional work for this task.

177 WPA Abbreviated Notice of Resource Area Determination (ANRAD)

There is no additional work under this task.

178 WPA Request for Determination of Applicability (RDA)

There is no additional work under this task.

179 WPA Notice of Intent (NOI)

There is no work under this task.

179A WPA Notice of Intent (NOI) for Geotechnical Borings

A Notice of Intent (NOI) filing will be required for geotechnical borings in bordering vegetated wetlands, bordering land subject to flooding, and/or land under water. Stantec will support an NOI filing by LEC Environmental Consultants by providing supporting plans, narratives and calculations. In addition, one Stantec staff member will attend up to two (2) NOI public hearings and one (1) site visit related to the NOI filing.

LEC Environmental Consultants, Subconsultant to Stantec, has prepared a Scope of Work for additional work required under this task. This additional work is outlined in Appendix B and is carried as a direct expense.

180 WPA Variance

There is no work under this task.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

181 Chapter 91 License/Permit Application

There is no work under this task.

182 Water Quality Certification

There is no work under this task.

183 Coastal Zone Management Consistency Review

There is no work under this task.

184 Wildlife/Rare Species Assessment

LEC Environmental Consultants has prepared a Scope of Work for additional work required under this task (see Appendix B). There is no work for Stantec under this task.

185 Essential Fish Habitat Assessment

There is no work under this task.

186 Reserved

There is no work under this task.

187 Impaired Waterbody Assessment and Water Quality Data Form

There is no additional work under this task.

SECTION 200 FUNCTIONAL DESIGN REPORT

There is no additional work under this section.

SECTION 220 DESIGN EXCEPTION REPORT

There is no additional work under this section.

**SECTION 230 INTERCHANGE JUSTIFICATION/
MODIFICATION REPORT (IJR/IMR)**

There is no work under this section.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

SECTION 300 25% HIGHWAY DESIGN SUBMISSION

301 Project Initiation and Data Compilation

There is no additional work under this task.

302 Utility Coordination

There is no additional work under this task.

303 Survey Coordination and Controls

There is no additional work under this task.

304 Base Plans, Profiles and Typical Sections

There is no additional work under this task.

305 Field Reconnaissance

There is no additional work under this task.

306 Plot Existing Layout Lines

There is no work under this task.

307 Meetings and Liaison

There is no additional work under this task.

308 Determine Roadway Cross Section

There is no additional work under this task.

309 Preliminary Horizontal Geometry

Stantec will update the Construction Plans and the alignment of the sidewalk and shared use path to tie into the proposed boardwalks.

Stantec will develop a construction baseline for three boardwalk locations. This baseline will be developed to assist with the design and construction of the boardwalks. The new baselines will be added to the Construction Plans.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

310 Preliminary Vertical Geometry

Stantec will develop three additional profiles for the proposed boardwalks. Stantec will add Profile Sheets to the contract documents for the 25% Design Submission.

311 Cross Section Studies

There is no additional work under this task.

312 Prepare Cross Sections

There is no additional work under this task.

313 Plot Proposed Layout and Easements

There is no additional work under this task.

314 Pavement Design

There is no additional work under this task.

315 Typical Sections

Stantec will update the Typical Sections to reflect the new boardwalk design changes.

316 Construction Details

There is no additional work under this task.

317 Hydrological Studies and Hydraulics Report

There is no work under this task.

318 Preliminary Drainage and Utility Studies

There is no additional work under this task.

319 Lane Configurations

There is no additional work under this task.

320 Traffic Signals

There is no additional work under this task.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

321 Signs and Pavement Markings

There is no additional work under this task.

322 Traffic Management

There is no additional work under this task.

323 Reserved

There is no work under this task.

324 Constructability Review

There is no additional work under this task.

325 Quality Control (QC) Review

There is no additional work under this task.

326 Preliminary Construction Estimate

Stantec will update the construction estimate to reflect the new boardwalk design changes.

327 Submission Checklists

There is no additional work under this task.

328 Modifications and Revisions

There is no additional work under this task.

329 Value Engineering (VE)

There is no work under this task.

330 Construction Contract Time Determination

There is no additional work under this task.

331 Incentives/Disincentives

There is no additional work under this task.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

SECTION 350 DESIGN PUBLIC HEARING

There is no additional work under this section.

SECTION 400 75% HIGHWAY DESIGN SUBMISSION

There is no work under this section.

SECTION 450 100% HIGHWAY DESIGN SUBMISSION

There is no work under this section.

SECTION 500 RIGHT OF WAY

Preliminary Right of Way plans will be prepared reflecting design changes to minimize property and wetland impacts prior to holding the 25% Design Public Hearing. These plans shall remain in the preliminary stage until after the layout has been duly filed in the Registry of Deeds. Because of the extensive right of way on the corridor, private land acquisition is not anticipated, except to provide a permanent fee taking on Old Barnstable Road to document the encroachment of the right turn lane on the Town's property.

501 Preliminary Right of Way Plans

The limits of work to construct the proposed improvements and the existing layout will be identified. Alterations to existing layouts and permanent takings are not anticipated except to provide a permanent fee taking on Old Barnstable Road to document the existing encroachment of the right turn lane on the Town's property. Appropriate limits of alterations to permanent easements, and temporary easements, etc. will be prepared with Preliminary Right of Way Plans in accordance with Chapter 18 of the Guidebook. The preparation of Right of Way Plans to be submitted with the 25% Design Submission will include Title Sheet, Critical Profile sheets (24), Typical Sections (4 sheets), Parcel Summary Sheets (4 sheets), Location Plans (1), and Property Plan Sheets (24). Updated ROW plan submissions for final design tasks is not included.

502 Layout Plans and Order of Taking

There is no work under this task.

503 Written Instrument

There is no work under this task.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

504 Final Right of Way Plans

There is no work under this task.

SECTION 600 GEOTECHNICAL DESIGN

This project involves the design of three timber pedestrian boardwalks and seven cement stone masonry retaining walls. The boring summary is as follows:

- 125'± long boardwalk at Sta. 42+00 LT to Sta. 43+25 LT – 2 borings
- 115'± long boardwalk at Sta. 45+60 LT to Sta. 46+75 LT – 2 borings
- 115'± long boardwalk at Sta. 59+75 LT to Sta. 60+90 LT – 2 borings

- 300'± long retaining wall at Sta. 39+00 LT to Sta. 42+00 LT – 3 borings
- 125'± long retaining wall at Sta. 38+40 RT to Sta. 39+65 RT – 2 borings
- 125'± long retaining wall at Sta. 46+25 RT to Sta. 47+50 RT – 3 borings
- 160'± long retaining wall at Sta. 55+45 RT to Sta. 57+05 RT – 3 borings
- 260'± long retaining wall at Sta. 64+40 LT to Sta. 67+00 LT – 4 borings
- 80'± long retaining wall at Sta. 68+55 LT to Sta. 69+35 LT. – 2 borings
- 210'± long retaining wall at Sta. 127+25 LT to Sta. 129+35 LT – 3 borings

A total of 26 borings are proposed in accordance with MassDOT recommendations.

601 Research Available Subsurface Data

There is no work under this task.

602 Field Reconnaissance

Scope has been provided under Task 604. There is no work under this task.

603 Subsurface Investigation Plan

Stantec will prepare a subsurface investigation plan (boring, probing, testing type, location, depth, etc.) in accordance with the MassDOT Bridge Manual. Stantec will revise and resubmit plans to address one (1) round of comments from MassDOT review.

After borings are complete, Stantec will prepare one (1) set of As-Built Boring Location Plans to submit to MassDOT.

604 Subsurface Investigation Inspection

Stantec will conduct a field visit to mark boring locations in the field, and arrange for utility locations (Dig-Safe). Stantec will conduct on-site observations during subsurface investigation operations. Stantec assumes up to sixteen (16) days to complete the 26 borings.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

Stantec will follow inspection procedures, coordinate activities between the drilling contractor and MassDOT, and verify and record quantities for records and payment. The cost for a drilling contractor is carried as a direct expense. Surveying and Mapping Consultants (SMC) are included as a subconsultant to field locate the borings and as drilled locations (see Appendix C). SMC's fee for this work is listed as a direct expense.

605 Office Studies, Analysis and Testing

Stantec will review soil/rock samples and field/laboratory test results. Laboratory tests include gradation/sieve analysis and Atterberg Limits, if applicable. Stantec will evaluate foundation options and determine parameters for foundation design.

606 Geotechnical Report

Stantec will prepare the Geotechnical Report in accordance with the MassDOT Bridge Manual and other guidelines. Stantec will prepare one (1) draft report and submit it to MassDOT for review and comment. Stantec will revise and resubmit plans to address one (1) round of comments from MassDOT review. Stantec will submit a Final Report, and correlate the contents of the report with the project construction plans.

607 Meetings, Reviews and Liaisons

There is no work under this task.

608 Plans, Specifications and Estimates

There is no work under this task.

SECTION 700 PROJECT DEVELOPMENT – STRUCTURAL

This project involves the design of three timber pedestrian boardwalks and seven cement stone masonry retaining walls. The location summary is based on the baseline for Route 151 and is as follows:

Pedestrian Boardwalks:

1. 125'± long boardwalk at Sta. 42+00 LT to Sta. 43+25 LT
2. 115'± long boardwalk at Sta. 45+60 LT to Sta. 46+75 LT
3. 115'± long boardwalk at Sta. 59+75 LT to Sta. 60+90 LT

Stone Masonry Retaining Walls:

1. 300'± long retaining wall with timber rail mounted on top at Sta. 39+00 LT to Sta. 42+00 LT
2. 125'± long retaining wall with standard MassDOT details at Sta. 38+40 RT to Sta. 39+65 RT

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

3. 125'± long retaining wall with opening for culvert at Sta. 46+25 RT to Sta. 47+50 RT
4. 160'± long retaining wall with standard MassDOT details at Sta. 55+45 RT to Sta. 57+05 RT
5. 260'± long retaining wall with timber rail mounted on top at Sta. 64+40 LT to Sta. 67+00 LT
6. 80'± long retaining wall with standard MassDOT details at Sta. 68+55 LT to Sta. 69+35 LT.
7. 210'± long retaining wall with standard MassDOT details at Sta. 127+25 LT to Sta. 129+35 LT

701 Field Investigation

Stantec will conduct a field investigation to review the proposed boardwalk sites and adjacent conditions, and establish project parameters and constraints. Stantec will evaluate the ground and wetland survey to determine the parameters for the boardwalk design.

702 Determine Bridge Configurations

A Stantec structural engineer will collaborate with the highway designer to determine the vertical and horizontal alignments and typical cross-sections for both the shared use path over and the grading under the boardwalk. Stantec will determine a preliminary boardwalk span length and vertical boardwalk clearance. No existing or proposed utilities will be carried by the timber boardwalks. Accommodations will be made at some of the proposed retaining walls for proposed drainage pipes or culverts.

703 Preliminary Structural Analysis

Stantec will determine boardwalk types and will perform a preliminary structural analysis to determine the approximate superstructure design.

704 Comparative Design and Cost Analyses

Stantec will evaluate the alternate boardwalk structure types that are appropriate to the site based on considerations of highway design parameters, traffic safety, impacts to surrounding properties and environmentally sensitive areas, traffic management, constructability, and aesthetics. Cost will only be used to select between alternates that have been determined to be equally appropriate to the site based on the Type Selection Worksheet.

705 Preliminary Structures Report Preparation

There is no work under this task.

706 Bridge Type Selection Worksheet Preparation

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

Stantec will prepare a Bridge Type Selection Worksheet per the MassDOT Bridge Manual detailing the various design alternatives for the boardwalk, complete with appropriate graphics, descriptive text, and cost breakdowns justifying the recommendations presented.

It is assumed that one Bridge Type Selection Worksheet will be prepared and will include information for all three boardwalk locations. It's assumed that the same boardwalk type will be used for all three boardwalks.

Stone Masonry retaining walls are proposed for the wall type. These MassDOT standard walls are aesthetically desirable for this project, and therefore, a Bridge Type Selection Worksheet will not be necessary according to MassDOT Bridge Section.

707 Meetings and Liaison

Two (2) Structural Engineers from Stantec will attend one (1) meeting and coordinate with MassDOT during the preparation of the Bridge Type Selection Worksheet to advance the work. Stantec will respond to MassDOT review comments.

708 Hydraulics Study and Report (Bridges over Water)

The proposed boardwalks are located over wetland resource areas therefore there is no work under this task.

SECTION 710 SKETCH PLANS

711 Establish Boring Locations

Stantec structural engineers will coordinate with the geotechnical engineer to determine the locations for the proposed boardwalk borings based on an approved structure type.

Under Task 603 Subsurface Investigation Plan, Stantec will coordinate the boring program and the geotechnical design with MassDOT's Geotechnical Section and prepare the Boring Location Plans.

712 Reserved

There is no work under this task.

713 Sketch Plan Development

Stantec will prepare Sketch Plans for each bridge structure (timber boardwalks) in accordance with the MassDOT Bridge Manual. Stantec will submit review copies together with the Geotechnical Report to MassDOT. Stantec will check to verify that the proposed design and construction staging plan addresses the cost and scheduling impacts associated with

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION**

accommodating proposed utilities. Stantec will review the boring logs and Geotechnical Report. Stantec will perform geometric design calculations.

It is assumed that 3 sets of sketch plans will be prepared, one for each of the timber boardwalks. Stantec will respond to one (1) round of MassDOT comments. Anticipated drawing list is as follows:

Boardwalk

(1) Key Plan, Profile & Locus

(1) Boring Logs

(1) Longitudinal Section

(1) Cross-Section & Approach Section

Total of (4) 24x36 sheets for each boardwalk (3) = 12 sheets total

714 Meetings, Coordination and Liaison

Two structural engineers from Stantec will participate in one (1) MassDOT Sketch Plan review meeting.

715 Constructability Review

Stantec will review the design of the proposed structures to verify that the structure does not present any unusual matters that would unduly increase the cost of the project or present potential scheduling delays during construction resulting in claims for extra work. Particular attention will be given to the available right of way and nearby wetlands.

716 Submission Checklist

Stantec will prepare and submit the Bridge Section Checklist.

SECTION 750 FINAL BRIDGE DESIGN

There is no work under this section.

SECTION 800 PS&E SUBMISSION

There is no work under this section.

SECTION 900 CONSTRUCTION ENGINEERING

There is no work under this section.

APPENDIX A

Work Hour Estimate Form

MassDOT - HIGHWAY DIVISION

SCOPING WORKBOOK Form 1.3 Work Hour Estimate

City/Town	Mashpee, MA				Contract No.:				
Location:	Route 151				Assignment No.:				
Revisions Effective	7/26/2016				ProjInfo No.:		607319		
SECTION 100									
PROJECT DEVELOPMENT ENGINEERING									
			PIC	PM	SE	Eng	AE	ET	TOTAL
101	Project Concept Preparation (Development of Purpose and Need)								
102	Preliminary Project Area Analysis								
103	Reasonable Alternative(s) Identification								
104	Alternatives Analysis & Report Preparation				36	2	15	16	69
105	Project Design Schedule Development and Monthly Updates								
	SUBTOTAL				36	2	15	16	69
SECTION 150									
ENVIRONMENTAL									
			PIC	PM	SE	Eng	AE	ET	TOTAL
151	Early Environmental Coordination Design Submission Checklist								
152	Hist./Arch. - Federal Section 106 and State Chapter 254								
153	Reserved								
154	Hazardous Materials Research/Review								
155	Project Development Meetings and Hearings				20	32			52
	Bridge Type Study - Env Section Right Up				6	12			
	Sketch Plan Review - Env Impacts Review				6	12			
	Project Development Meetings				8	8			
156	NEPA/MEPA Determination								
157	NEPA - Categorical Exclusion (CE)								
158	NEPA - Environmental Assessment (EA)								
159	NEPA - Draft Environmental Impact Statement (EIS)								
160	NEPA - Final Environmental Impact Statement (EIS)								
161	NEPA - Supplemental Environmental Impact Statement (EIS)								
162	NEPA - Reevaluation								
163	MEPA - Environmental Notification Form (ENF)								
164	MEPA - Draft Environmental Impact Report (DEIR)								
165	MEPA - Final Environmental Impact Report (FEIR)								
166	MEPA - Notice of Project Change (NOPC)								
167	MEPA - Supplemental Environmental Impact Report (SEIR)								
168	Reserved								
169	Reserved								
170	USACE Section 404 General Permit (PGP)								
171	USACE Individual Section 404 Permit								
172	U.S. Coast Guard Bridge Permit								
173	Programmatic Section 4(f) Evaluation								
174	Draft Individual Section 4(f) Evaluation								
175	Final Individual Section 4(f) Evaluation								
176	Wetland Resource Area Delineation								
177	WPA Abbr. Notice of Resource Area Determination (ANRAD)								
178	WPA Request for Determination of Applicability (RDA)								
179	WPA Notice of Intent (NOI)								

MassDOT - HIGHWAY DIVISION

SCOPING WORKBOOK Form 1.3 Work Hour Estimate

City/Town	Mashpee, MA				Contract No.:					
Location:	Route 151				Assignment No.:					
Revisions Effective	7/26/2016				ProjInfo No.:	607319				
SECTION 150 (CONT'D)										
ENVIRONMENTAL										
				PIC	PM	SE	Eng	AE	ET	TOTAL
179A	WPA Notice of Intent (NOI) for Geotech Borings				38		12	8		58
	Design Narrative				8		6			
	Prep/Coord of Plans				6		4	8		
	Hearing				12		2			
	Site Walk				12					
180	WPA Variance									
181	Chapter 91 License/Permit Application									
182	Water Quality Certification									
183	Coastal Zone Management Consistency Review									
184	Wildlife/Rare Species Assessment									
185	Essential Fish Habitat Assessment									
186	Reserved									
187	Impaired Waterbody Assessment and Water Quality Data Form									
	SUBTOTAL				58		44	8		110
SECTION 200										
FUNCTIONAL DESIGN REPORT (FDR)										
				PIC	PM	SE	Eng	AE	ET	TOTAL
201	Establish Purpose and Need									
202	Public and Agency Outreach									
203	Evaluate Existing Conditions / Context									
204	Prepare Traffic Volumes									
205	Conduct Safety Analysis									
206	Evaluate Signal Warrants									
207	Operational Analysis for Existing Conditions									
208	Establishment of Basic Design Controls and Evaluation Criteria									
209	Development of Alternatives									
210	Operational Analysis for Future Conditions									
211	Preferred Alternative									
212	Complete Streets									
213	GreenDOT									
214	Traffic Management									
215	Construction Cost									
216	Conclusion and Recommendation									
217	Report Preparation									
	SUBTOTAL									

MassDOT - HIGHWAY DIVISION

SCOPING WORKBOOK Form 1.3 Work Hour Estimate

City/Town	Mashpee, MA				Contract No.:					
Location:	Route 151				Assignment No.:					
Revisions Effective	7/26/2016				ProjInfo No.:		607319			
SECTION 220										
DESIGN EXCEPTION REPORT										
				PIC	PM	SE	Eng	AE	ET	TOTAL
221	Evaluate 13 Controlling Criteria									
222	Perform Incremental Evaluation									
223	Prepare Narrative/Report									
SUBTOTAL										
SECTION 230										
INTERCHANGE JUSTIFICATION / MODIFICATION REPORT (IJR / IMR)										
				PIC	PM	SE	Eng	AE	ET	TOTAL
231	Prepare an IJR/IMR									
SUBTOTAL										
SECTION 300										
25% HIGHWAY DESIGN SUBMISSION										
				PIC	PM	SE	Eng	AE	ET	TOTAL
301	Project Initiation and Data Compilation									
302	Utility Coordination									
303	Survey Coordination and Controls									
304	Base Plans, Profiles and Typical Sections									
305	Field Reconnaissance									
306	Plot Existing Layout Lines									
307	Meetings and Liaison									
308	Determine Roadway Cross Section									
309	Preliminary Horizontal Geometry			2	8			30		40
310	Preliminary Vertical Geometry			2	8			16		26
311	Cross Section Studies									
312	Prepare Cross Sections									
313	Plot Proposed Layout and Easements									
314	Pavement Design									
315	Typical Sections				2			8		10
316	Construction Details									
317	Hydrological Studies and Hydraulics Report									
318	Preliminary Drainage and Utility Studies									
319	Lane Configurations									
320	Traffic Signals									
321	Signs and Pavement Markings									
322	Traffic Management									
323	Reserved									
324	Constructability Review									
325	Quality Control (QC) Review									

MassDOT - HIGHWAY DIVISION

SCOPING WORKBOOK Form 1.3 Work Hour Estimate

City/Town	Mashpee, MA	Contract No.:	
Location:	Route 151	Assignment No.:	
Revisions Effective:	7/26/2016	ProjInfo No.:	607319

SECTION 300 (CONT'D)										
25% HIGHWAY DESIGN SUBMISSION										
			PIC	PM	SE	Eng	AE	ET	TOTAL	
326	Preliminary Construction Estimate			4			16		20	
327	Submission Checklists									
328	Modifications and Revisions									
329	Value Engineering (VE)									
330	Construction Contract Time Determination									
331	Incentives/Disincentives									
	SUBTOTAL		4	22			70		96	

SECTION 350										
DESIGN PUBLIC HEARING										
			PIC	PM	SE	Eng	AE	ET	TOTAL	
352	Hearing Preparation									
353	Design Public Hearing									
	SUBTOTAL									

SECTION 400										
75% HIGHWAY DESIGN SUBMISSION										
			PIC	PM	SE	Eng	AE	ET	TOTAL	
401	Response to 25% Comments									
402	Field Reconnaissance									
403	Meetings, Liaison and Coordination									
404	Utility Coordination									
405	Final Horizontal Design Geometrics									
406	Final Vertical Design Geometrics									
407	Pavement Design									
408	Typical Cross Sections									
409	Plot Cross Section									
410	Plot Proposed Layout and Easements									
411	Construction Plans									
412	Grading and Tie Plans									
413	Drainage and Water Supply Details									
414	Traffic Signs									
415	Guide Sign Design & Overhead Directional (OD) Elevations									
416	Traffic Signals and Plan Preparation									
417	Pavement Markings and Plan Preparation									
418	Traffic Management									
419	Highway Lighting Plans and Details									
420	Landscaping and Plan Preparation									
421	Erosion Control									
422	Miscellaneous Contract Plans									
423	Quantity & Cost Estimate (Weighted Average Bid Application)									
424	Special Provisions									

MassDOT - HIGHWAY DIVISION

SCOPING WORKBOOK Form 1.3 Work Hour Estimate

City/Town	Mashpee, MA				Contract No.:				
Location:	Route 151				Assignment No.:				
Revisions Effective	7/26/2016				ProjInfo No.:	607319			
SECTION 400 (CONT'D)									
75% HIGHWAY DESIGN SUBMISSION									
		PIC	PM	SE	Eng	AE	ET	TOTAL	
425	Constructability and Quality Control (QC) Review								
426	Submission Checklist								
427	Bottom Up Estimate and Reconciliation (if required)								
428	Construction Contract Time Determination								
429	Incentives/Disincentives with Road User Calculation								
	SUBTOTAL								
SECTION 450									
100% HIGHWAY DESIGN SUBMISSION									
		PIC	PM	SE	Eng	AE	ET	TOTAL	
451	Respond to 75% Comments								
452	Finalize Plans								
453	Finalize Special Provisions								
454	Finalize Quantity and Cost Estimate (W.A.B.A. & Calculation Book)								
455	Quality Control (QC) Review								
456	Submission Checklist								
457	Bottom Up Estimate and Reconciliation (if required)								
458	Construction Contract Time Determination								
459	Incentives/Disincentives								
	SUBTOTAL								
SECTION 500									
RIGHT OF WAY									
		PIC	PM	SE	Eng	AE	ET	TOTAL	
501	Preliminary Right of Way Plans	4	19	25	59	28	34	169	
	Title Sheet		1	1	1		2		
	Typical Section		1	1	1		2		
	Profiles		1	1	1		4		
	Location Plan	1	4		8		8		
	Parcel Summary Sheet	1	4	6	8	8	8		
	Property Plans	2	8	16	40	20	10		
502	Layout Plans and Order of Taking								
503	Written Instrument								
504	Final Right of Way Plans								
	SUBTOTAL	4	19	25	59	28	34	169	

MassDOT - HIGHWAY DIVISION

SCOPING WORKBOOK Form 1.3 Work Hour Estimate

City/Town	Mashpee, MA	Contract No.:	
Location:	Route 151	Assignment No.:	
Revisions Effective	7/26/2016	ProjInfo No.:	607319
SECTION 600			
GEOTECHNICAL DESIGN			
		PIC	PM
		SE	Eng
		AE	ET
		TOTAL	
601	Research Available Subsurface Data		
602	Field Reconnaissance		
603	Subsurface Investigation Plan	2	4
604	Subsurface Investigation Inspection		16
605	Office Studies, Analysis and Testing		96
606	Geotechnical Report	2	10
607	Meetings, Reviews and Liaison		24
608	Final Plans, Specifications and Estimates		40
SUBTOTAL		4	15
		176	16
		48	24
		283	
SECTION 700			
PROJECT DEVELOPMENT - STRUCTURAL			
		PIC	PM
		SE	Eng
		AE	ET
		TOTAL	
701	Field Investigation		12
702	Determine Bridge Configurations		8
703	Preliminary Structural Analysis		16
704	Comparative Design and Cost Analyses		8
705	Preliminary Structures Report Preparation		12
706	Bridge Type Selection Worksheet Preparation	2	16
707	Meetings and Liaison		32
708	Hydraulics Study and Report (Bridges over Water)		60
SUBTOTAL		2	30
		84	108
		40	264
SECTION 710			
SKETCH PLANS			
		PIC	PM
		SE	Eng
		AE	ET
		TOTAL	
711	Establish Boring Locations		4
712	Reserved		
713	Sketch Plan Development	1	6
714	Meetings, Coordination and Liaison		24
715	Constructability Review		53
716	Submission Checklist	1	2
SUBTOTAL		2	22
		44	53
		86	144
		351	

MassDOT - HIGHWAY DIVISION

SCOPING WORKBOOK Form 1.3 Work Hour Estimate

City/Town	Mashpee, MA				Contract No.:				
Location:	Route 151				Assignment No.:				
Revisions Effective	7/26/2016				ProjInfo No.:		607319		
SECTION 750									
FINAL BRIDGE DESIGN									
			PIC	PM	SE	Eng	AE	ET	TOTAL
751	Structural Design - Superstructure								
752	Structural Design - Substructure								
753	Bridge Layout Geometrics								
754	Contract Drawings								
755	First Review Submission								
756	Quantity Cost Estimates								
757	Special Provisions								
758	Second Review Submission								
759	FHWA Reviews								
760	Meetings and Liaison								
761	Constructability and Quality Control (QC) Review								
762	Submission Check List								
	SUBTOTAL								
SECTION 800									
PS&E SUBMISSION									
			PIC	PM	SE	Eng	AE	ET	TOTAL
801	Respond to 100% Comments								
802	Finalize Plans, Specifications and Estimate								
803	Prepare Detail Sheets								
804	Combine Highway and Bridge								
805	Quality Control (QC) Review								
806	Finalize Bottom Up Estimate and Estimate Reconciliation (if required)								
807	Finalize Construction Contract Time Determination								
808	Finalize Incentives/Disincentives								
	SUBTOTAL								

MassDOT - HIGHWAY DIVISION

SCOPING WORKBOOK Form 1.3 Work Hour Estimate

City/Town	Mashpee, MA				Contract No.:				
Location:	Route 151				Assignment No.:				
Revisions Effective	7/26/2016				ProjInfo No.:		607319		
SECTION 900									
CONSTRUCTION ENGINEERING									
			PIC	PM	SE	Eng	AE	ET	TOTAL
901	Pre-Bid Services								
902	Pre-Construction Conference								
903	Highway Shop Drawings and Signal Permit								
904	Bridge and Wall Shop Drawings								
905	Bridge Construction Procedures								
906	Furnishing Advice and Field Visits								
907	Geotechnical Construction Evaluation								
908	Bridge Rating and Photographs								
	SUBTOTAL								

SCOPING WORKBOOK Form 1.4 Summary Table

SCOPING WORKBOOK
Rev. 11/2013

DIRECT EXPENSE SUMMARY SHEET

GENERAL

PROJECT LOCATION: Mashpee, MA
CLIENT: Town of Mashpee

Total Stantec Direct Expenses \$47,537

PRINTING EXPENSES

COST PER SF FOR PRINTS 0.09 \$/SF

SHEET LIST

DESCRIPTION	ESTIMATE NO. OF SHEETS
STRUCTURAL DRAWINGS	
Bridge Type Selection Worksheets	50
Sketch Plans	12
Boring Location Plans	24
As Built Boring Location Plans	24
Sheet Total	110

ROW PLANS	
TITLE SHEET	1
TYPICAL SECTIONS	4
PROFILES	24
PARCEL SUMMARY TABLES	2
LOCATION PLANS	1
PROPERTY PLANS	24
Sheet Total	56

PRINTING COST SUMMARY

	HIGHWAY PLANS							
	No. of Sets to Submit					AREA PER SHEET (SF)	Total Area (SF)	Cost For Prints
	25%*	75%	100%	PS&E	Mylar			
ROW Plans	18					6	6048	\$544

* Assumes 1 Draft and 1 Final submission.

Subtotal \$544

	BRIDGE PLANS							
	No. of Sets to Submit					AREA PER	Total	Cost For
	25%*	75%	100%	PS&E	Mylar	SHEET	Area (SF)	Prints
Bridge Type Selection Worksheets	10					0.65	325	\$29
Sketch Plans	8					6	576	\$52
Boring Location Plans	8					6	1152	\$104
As Built Boring Location Plans	2					6	288	\$26

* Assumes 1 Draft and 1 Final submission.

Subtotal \$211

Binding

No. of Plan Sets 46
Cost Per Set \$0.30
Subtotal \$257

TOTAL PRINTING COST: \$1,012

MAILING EXPENSE

Contract Drawings Shipping

Assume Cost Per Submission: \$70.00
No. of Submissions: 6 (2 Submissions Each)
 Subtotal \$420

TOTAL MAILING COST: \$420

MILEAGE EXPENSE

(See Attached for Breakdown of Meetings)

	Total Rnd Trip Dist.	Est. No. of Mtgs	Total Mileage (Round Trip)	
Meetings to StateDOT	36	3	108	(Boston, MA)
Meetings to StateDOT District Office	110	0	0	(Taunton, MA)
Meetings with Town	175	4	700	(Mashpee, MA)
Site Visits	185	22	4070	(Mashpee, MA)
			0	
			4878	
			\$0.575 \$/Mi	
			\$2,804.85	

TOTAL MILEAGE COST: \$2,805

STRUCTURAL BORINGS

Driller Cost (Assume 13-16 days) \$35,000.00
 Lab Expenses \$1,000.00
 Police Detail (Assume \$50 per hour, 8 hours per day, 16 days) \$6,400.00

TOTAL BORINGS COST: \$42,400

MISC

Parking - MassDOT Boston Meetings \$100
 Environmental Printing, EDR/First Search \$500
 Meals \$300

TOTAL MISC COSTS: \$900

Environmental	MassDOT Boston	MassDOT District	City/Town	Site
1 NOI Public Hearing			2	
2 NOI Site Visit				1
3 Misc	1		1	
	1	0	3	1

Structural and Geotech Meetings	MassDOT Boston	MassDOT District	City/Town	Site
1 Site Visit to Mark Boring Locations				1
2 Boring Inspection				16
3 Boardwalk Site Visit				2
4 Meeting with Mashpee RE Boardwalk Type				2
5 BSW Meeting with MassDOT	1			
6 Misc	1		1	
7				
8				
9				
	2	0	1	21

TOTAL	3	0	4	22
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APPENDIX B

LEC Environmental Consultants



July 1, 2016

Email [Hillary.King@stantec.com]

Hillary B. King
Stantec
5 Burlington Woods Drive; Suite 210
Burlington, MA 01803

**Re: Professional Services Proposal
Nathan Ellis Highway (Route 151)
Mashpee, Massachusetts**

[LEC File #: SM13-140.01]

Dear Hillary:

LEC Environmental Consultants, Inc., (LEC) is pleased to provide this proposal to: 1) prepare and submit a Notice of Intent (NOI) Application for proposed geotechnical borings within three separate wetland areas along the Route 151 corridor; 2) coordinate with the Massachusetts Natural Heritage and Endangered Species Program (NHESP) regarding potential state-listed rare species concerns with the draft 25% design plans; and 3) coordinate with Stantec on the completion of 25% design plans and associated documents for the proposed shared use path between the Mashpee Rotary and the Mashpee/Falmouth Town Line.

A boardwalk design is currently being considered for the proposed shared use path over/through Wetlands J, D, and I within the 100-foot Right-of-Way (ROW) to Route 151. These wetland areas are protected as Bordering or Isolated Vegetated Wetlands under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40), its implementing Regulations (310 CMR 10.00), collectively, the "WPA", and the *Town of Mashpee Wetlands Protection Bylaw* (Chapter 172) and implementing Regulations, collectively, the "Bylaw" and have been mapped by NHESP as Certified or Potential Vernal Pools. A portion of the geotechnical borings are also located within Priority/Estimated Habitat mapped by NHESP. Geotechnical borings are required to understand whether a boardwalk design is appropriate.

This proposal is based on LEC's understandings and presumptions outlined within this proposal and current regulations in effect. The proposal constitutes an Agreement for Services, inclusive of a Scope of Services, Additional Services, and Fees for Services. The attached Terms and Conditions and Standard Fee Schedule are considered part of this proposal.

Initial: _____

LEC Environmental Consultants, Inc.

www.lecenv.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508-746-9491
508-746-9492 (Fax)
PLYMOUTH, MA

380 Lowell Street
Suite 101
Wakefield, MA 01880
781-245-2500
781-245-6677 (Fax)
WAKEFIELD, MA

100 Grove Street
Suite 302
Worcester, MA 01605
508-753-3077
508-753-3177 (Fax)
WORCESTER, MA

P. O. Box 590
Rindge, NH 03461
603-899-6726
603-899-6726 (Fax)
RINDGE, NH



1 Scope of Services

The following tasks are to be performed under this agreement:

Geotechnical Borings NOI

- 1.1 LEC will conduct a site evaluation to review the locations of the proposed geotechnical borings. As feasible, LEC will refresh previously established wetland flags and review the potential Mean Annual High Water Line associated with the Certified and Potential Vernal Pools.
- 1.2 LEC will consult with the Mashpee Conservation Agent to review the proposed geotechnical boring work activities. This scope includes two (2) hours of coordination and review.
- 1.3 In accordance with the *WPA* and *Bylaw*, LEC will prepare a NOI Application for the proposed geotechnical borings. The NOI Application will include a general site description, *Wetland Resource Area Analysis*, a description of proposed activities, proposed mitigation measures, regulatory compliance, a Waiver Request, NOI forms, and site plans prepared by Stantec. This scope includes ten (10) hours of consultation with the Project Team regarding regulatory compliance and application preparation, including rationale for the Waiver Request. A draft of the NOI Application will be submitted to the Project Team for review and approval prior to submittal to the Mashpee Conservation Commission and the Massachusetts Department of Environmental Protection (DEP). The NOI also will be sent to NHESP for Streamlined WPA/MESA review.

Since the Town will be the Applicant, filing fees are waived under the *WPA* and *Bylaw*. However, abutter notification is required. In accordance with 310 CMR 10.05 (4) (a), LEC will notify all abutters by certified mail of the NOI submission. This notification will include the location, date, and time of the hearing. This scope and fee presumes no more than twenty (20) abutters to be notified.

- 1.4 LEC will attend up to two (2) meetings (and/or on-site) of the Public Hearing process in conjunction with the Mashpee Conservation Commission's review of the project.

NHESP Preliminary Review

- 1.5 LEC will coordinate with NHESP Staff to review the draft 25% design plans for the proposed shared-used path project and discuss potential state-listed rare species concerns and permitting requirements. This scope includes five (5) hours of consultation with NHESP.

25% Design Coordination

- 1.6 LEC will coordinate with Stantec on the completion of the 25% design plans and associated documents (e.g., wetland sections of the required 25% documents and Bridge Type Selection

Initial: _____



Worksheets) for the proposed shared use path. This scope includes two (2) hours of coordination with Stantec.

2 Additional Services

The following is a list of services that are specifically excluded from this Agreement, but can be provided upon your authorization in accordance with the attached Standard Fee Schedule.

- 2.1 LEC will provide additional consulting services to support initial findings as requested by the client. These services are to be performed only as authorized by the client and will be billed on an hourly basis according the attached fee schedule.

3 Fees for Services

LEC has prepared a budget of Seven Thousand Dollars (\$7,000.00) for services described in Articles 1.1 through 1.6, inclusive of direct expenses (mileage, NOI abutter notification not to exceed 20 abutters, postage, printing, etc.), but excluding filing fees as described in the Scope of Services of this Agreement. Should you wish to proceed, please endorse this Agreement, initial each page, retain a copy for your records, and return a copy to LEC. This proposal is valid until August 1, 2016.

Thank you for the opportunity to provide these services. Should you have any questions or require additional information regarding this proposal, please contact Brian Madden at 508-746-9491 or bmadden@lecenvironmental.com.

LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

Agreed and Accepted By:

Hillary B. King
Stantec

Date _____

Initial: _____



Standard Fee Schedule

Consulting and Field Services:

Hourly Rate:

Directors	\$125.00 – \$200.00
Senior Coastal Geologist	\$125.00 – \$175.00
Senior Soil Scientist	\$150.00 – \$175.00
Senior Ecologist/Marine Biologist	\$100.00 – \$150.00
Ecologist/Marine Biologist	\$ 85.00 – \$100.00
SCUBA Diver	\$150.00
Senior Wildlife Scientist	\$125.00 – \$175.00
Wildlife Scientist	\$ 85.00 – \$125.00
Wildlife Specialist	\$ 50.00 – \$ 75.00
Senior Wetland/Environmental Scientist	\$125.00 – \$175.00
Wetland/Environmental Scientist	\$ 85.00 – \$125.00
Wetland/Environmental Specialist	\$ 50.00 – \$ 75.00
Permitting Technician	\$ 40.00 – \$ 55.00
AutoCAD Technician	\$ 50.00 – \$ 85.00

Expert Testimony:

Executive Director	\$350.00
Assistant Director/Director	\$300.00
Senior Coastal Geologist/Soil Scientist	\$300.00
Wildlife/Wetland/Environmental Scientist	\$250.00
Ecologist/Marine Biologist	\$225.00
Wetland/Wildlife/Environmental Specialist	\$200.00

Reimbursable expenses include, but are not limited to: facsimile transmission, printing and binding, photocopying, delivery charges, postage, expendable project related supplies, research materials, permitting application fees, police detail, transportation, meals and lodging.

Effective: 01/2015

Initial: _____

PLYMOUTH, MA
508-746-9491

WAKEFIELD, MA
781-245-2500

WORCESTER, MA
508-753-3077

RINDGE, NH
603-899-6726

APPENDIX C

Surveying and Mapping Consultants

325 WOOD ROAD
SUITE 109
BRAINTREE, MA 02184
PHONE (781) 380-7768
FAX (781) 380-7757
WWW.SMCSURVEY.COM

SMC

SURVEYING AND MAPPING CONSULTANTS

July 18, 2016

Ms. Jill McLaughlin, P.E.
Stantec Consulting Services, Inc.
400 Crown Colony Drive
Suite 200
Quincy, MA 02169-0982

VIA EMAIL TO jill.mclaughlin@stantec.com

RE: Proposal for Surveying Services
Route 151 Boring Layout and As-built Survey
Mashpee, Massachusetts

Dear Jill:

On behalf of Surveying and Mapping Consultants, Inc. (SMC), I am pleased to submit this proposal for land surveying services in connection with proposed boring program associated with the improvement project along Route 151 in Mashpee, Massachusetts.

This proposal is based upon our previous experience on this, and other, projects.

SCOPE OF WORK

Initial Layout

Review the proposed boring locations and compute coordinates for each location. Upload the coordinate file to the field data collector.

Conduct field surveys to stake out the locations of approximately twenty six (26) borings.

Stantec Consulting Services, Inc.
Proposal for Land Surveying Services – Boring Staking and As-Built Survey
Route 151, Mashpee, Massachusetts
July 18, 2016

SMC

Review the field data files after the staking is completed to confirm the staked position of each boring location.

Coordinate with Stantec personnel and inform project staff of the completion of the boring staking task.

As-built Survey of Borings

Coordinate with Stantec personnel and plan the as-built survey to coincide closely with the completion of the boring program.

Conduct field surveys to locate the as-built position and elevation of each boring.

Process the field data files and provide an AutoCAD Civil 3D file that includes the as-built location and elevation of each boring

FEE FOR SERVICES

For this project, SMC is proposing the Not-to-Exceed Fees outlined in the following table:

Task	Proposed Fee
Stake Borings (26)	\$1,750
As-built Survey	\$2,185

SCHEDULE

SMC is prepared to commence work on this project immediately upon receipt of an executed Agreement. Barring delays due to unforeseen circumstances, it is anticipated that the staking task will be completed within one (1) week. The as-built survey will be completed within two (2) weeks of notice that the boring program has been completed.

We are pleased to have the opportunity to submit this proposal and we look forward to continuing our efforts with you and your colleagues on this project. The receipt of an executed Stantec Agreement shall constitute Notice-to-Proceed.

Sincerely,
SURVEYING AND MAPPING CONSULTANTS, INC.

Kevin

Kevin Hanley, PLS
Principal

J:\PROPOSALS\FST_STANTEC\MASHPEE\MASHPEE ROUTE 151_BORING SURVEYS.DOCX



TOWN OF MASHPEE

OFFICE OF SELECTMEN

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone - (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

TO: Catherine Laurent – Director, DPW

FROM: Carol A. Deneen – Administrative Assistant

DATE: April 8, 2015

SUBJECT: Route 151 Corridor Improvement Project Design

Please be advised that on Monday, April 6, 2015, the Board of Selectmen reviewed and approved the 25% Design Plans for the Route 151 Corridor Improvement Project as outlined in your memorandum of April 2, 2015.

Should you have any questions, please do not hesitate to contact our office.

Thank you.



Town of Mashpee

Department of Public Works

350 Meetinghouse Road
Mashpee, Massachusetts 02649
Telephone - (508) 539-1420
Fax - (508) 539-3894

MEMORANDUM

April 2, 2015

TO: Board of Selectmen
Joyce M. Mason, Town Manager

FROM: Catherine Laurent, Director *CL*

SUBJECT: Route 151 Corridor Improvement Project

The 25% design plans for the above will be submitted to MassDOT around May 2015. Prior to submission, I am requesting the Board review the preliminary plans and the proposed improvements. A number of these improvements have been discussed at the public meetings held with abutters and other interested parties.

Below is a summary of the project.

- All signals remain as is; no new signals are proposed.
- Timing and phasing improvements will be recommended at the Old Barnstable Rd intersection with some minor geometric changes (including recommendations from Road Safety Audit by Cape Cod Commission with FST and MassDOT).
- Right turn lane is proposed for the eastbound lane at Job's Fishing Road.
- Two-way-center-left-turn lane (TWCLTL) is proposed between Algonquin Ave and Old Brickyard Road.
- To offset the eastbound center turn lane which stops at Algonquin Ave, a short turn left lane (50 feet) is proposed for the westbound lane at the intersection for vehicles turning south onto Algonquin Ave (to Chapman Cole & Gleason funeral home and Lakeside Estates).
- Separate left and right turn lanes are proposed on Ninigret Ave at the intersection with Route 151.
- To offset the westbound center turn lane which stops at Old Brickyard Road, a short turn left lane (50 feet) is proposed for the eastbound lane at the intersection for vehicles turning north onto Old Brickyard Road.
- Multi-use path is proposed on north side of the road from Market Street to Town Line (existing path is currently starts at Frank E. Hicks Drive and ends at Old Barnstable Road).
- Sidewalk is proposed on south side of road from Old Barnstable Road to Winslow Drive (DESIGN WAIVER REQUIRED FROM MASSDOT FOR NOT PROVIDING PEDESTRIAN ACCOMMODATION ON BOTH SIDES OF ROAD FROM OLD BARNSTABLE ROAD TO MARKET STREET).
- 11 foot travel lane is proposed in each direction. TWCTL will be 11 foot wide.

- 4 foot wide bike lane is proposed in each direction (DESIGN WAIVER REQUIRED FROM MASSDOT FOR LESS THAN 5 FEET).
- Approximately six temporary grading easements may be necessary.

Another consideration for the project is the realignment of Winslow Drive to opposite James Circle, eliminating the current off set intersection. This is a safer alignment.

The Town may also want to approach and discuss with the commercial properties between Algonquin Avenue and Old Brickyard Road the elimination/reconfiguration of curb cuts, reducing potential conflict points and providing for more green space and beautification along the corridor.


"Preserving public trust, providing professional services"

Deborah Dami, MMC, CMMC
Town Clerk
508-539-1418
ddami@mashpeema.gov



Office of the Town Clerk
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

To: Board of Selectmen
Rodney Collins, Town Manager

From: Deborah F. Dami 
Town Clerk

Date: August 17, 2016

Re: Placement of Election Signs

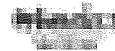
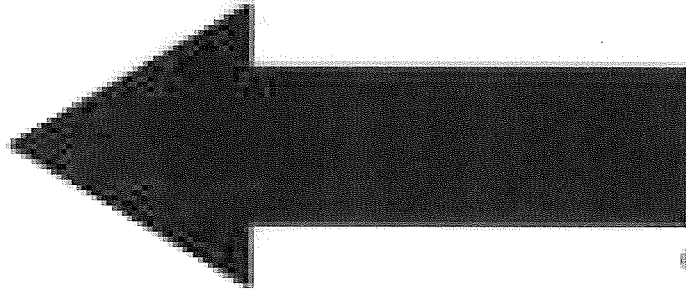
The Commonwealth of Massachusetts will be holding two elections beginning with the September 8, 2016 State Primary and ending with the November 8, 2016 State Election. For the first time in the Commonwealth, Early Voting will commence on October 24, 2016 and run for 11 days ending on November 4, 2016.

In addition to the two elections, the Town of Mashpee will hold its Fall Annual Town Meeting, scheduled for October 17, 2016.

At this time, I am asking for permission for election sandwich board signs to be placed on Town property beginning five days prior to the two elections. I am also asking to have the following signs erected:

1. Election sandwich boards, indicating the date, location and hours of operation for the September and November elections.
2. "Election Today" signs placed in the apron areas of the Rotary, and
3. "Town Meeting Tonight" with the time to be placed in the apron areas of the Rotary
4. Two "Early Voting" signs with one to be placed in front of Town Hall and one directly across the street on the lawn of the Historical Commission. Both signs would have an arrow directing voters to Town Hall.

**EARLY
VOTING**



Washpee Elections
TODAY
7 AM - 8 PM

Quashnet School
150 Old Barnstable Rd.

MASHPEE ELECTION

Tuesday

7am - 8pm

**Quashnet
School**

Mashpee Town Meeting
TONIGHT
7:00 P M

Mashpee High School
500 Old Barnstable Rd.



TOWN OF MASHPEE

OFFICE OF SELECTMEN

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone - (508) 539-1401
bos@marshpeema.gov

PROCLAMATION *Suicide Prevention Week*

WHEREAS, in the United States, one person dies by suicide every 12.3 minutes and 117 people die by suicide each day; and

WHEREAS, 22 veterans die by suicide each day; and

WHEREAS, suicide is the second leading cause of death for Massachusetts residents ages 15-44, and the suicide rate on the Cape and Islands is 1.4 times higher than the State average; and

WHEREAS, suicide is a tragic and disruptive event for families and communities ~ it is estimated that there are 6.3 million survivors annually who have lost a loved one to suicide; and

WHEREAS, suicide is a public health issue and a community concern and, through increased education and awareness of the issue, a great number of suicides can be prevented;

THEREFORE, we, the Mashpee Board of Selectmen, do hereby proclaim the week of September 5-11, 2016 as "SUICIDE PREVENTION WEEK" in the Town of Mashpee.

Andrew R. Gottlieb, Chairman

John J. Cahalane, Vice-Chairman

Thomas F. O'Hara, Clerk

Carol A. Sherman

John J. Cotton

RECEIVED

2016 AUG -8 PM 2:14 Cape & Islands Suicide Prevention Coalition

P.O. Box 119

Barnstable, MA 02630

OFFICE OF SELECTMAN
TOWN OF MASHPEE

August 2, 2016

Chairman Andrew Gottlieb
Mashpee Board of Selectman
16 Great Neck Road North
Mashpee, MA 02649

Dear Chairman Gottlieb:

Each year, we lose more than 30 Cape & Island residents to suicide. And for each of these suicide deaths, it is estimated that at least 6 additional people are profoundly affected by that loss—and more than 40 people affected by the loss. Suicide is a public health issue in our communities; and it is preventable.

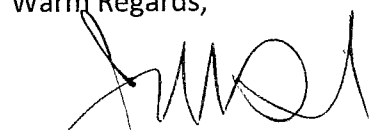
In recognition of National Suicide Prevention Month, the Cape & Islands Suicide Prevention Coalition is once again seeking to have the week of September 5-11th named "Suicide Prevention Week" in all of the Cape and Islands towns.

We aim to recognize this painful and often hidden part our communities, to demonstrate our commitment to suicide prevention, and to send a message of hope to those struggling, grieving, or affected in any way by suicide. We know that by decreasing the stigma that surrounds suicide, we increase the likelihood that someone will reach out for help.

Please accept this proclamation request for the selectman's agenda for an early September or late August meeting (Sample proclamation wording is attached) I appreciate your consideration of this request, and look forward to hearing from you.

The proclamation can be emailed to me at suicideprevention@capecoalition.com or mailed to me at: Cape and Islands Suicide Prevention Coalition, P.O. Box 119, Barnstable, MA 02630

Warm Regards,



Joan McDonald
Office and Training Coordinator
Cape & Islands Suicide Prevention Coalition

"Preserving public trust, providing professional services"

Rodney C. Collins
Town Manager
508-539-1401
rccollins@mashpeema.gov



Office of the Town Manager
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

MEMORANDUM

To: All Department Heads
From: Town Manager Rodney C. Collins
Reference: FY 2018 Budget Submittals
Date: August 15, 2016

Attached, please find your budget preparation schedule for the Fiscal Year 2018 operating budget. The absolute deadline for the submission of all department operating budgets is **Friday, September 30, 2016 at 4 pm.**

Department heads should submit a budget request based upon mission critical and operational needs in order to provide essential services. Requests should be submitted on zero-based budget planning and decision-making. In other words, department heads will be required to justify each expense line item and provide a nexus for tasks related to mission critical and operational needs for any expenses, except for professional development which was emphasized and identified last year. A line item expense will not be justified simply because "we have done it in the past." Department heads will be required to explain why we should continue administering a cost or where a cost can be reduced with an alternative recommendation.

Department heads are expected to cover professional development, dues, subscriptions, supplies, equipment, and other materials under their expense accounts. Facility maintenance and repairs should be appropriated through the Department of Public Works.

No department should anticipate any increase in a line-item attributed to expenses. Additionally, no increases should be anticipated to fund new positions. However, existing positions that have been reclassified are expected to be funded.

Personnel costs should be calculated with adjustments in turnover or change in status as a result of accurate grades and steps. Pay increases should be adjusted consistent with contractual or PAP provisions. Wages should be calculated after consultation from the Finance Director and Director of Human Resources.

Consistent with the process in the past, please enter your budget directly into Munis. Additionally, I request that you submit an e-mail version (with attachments) of your overall proposed budget summary with a detailed line item breakdown in support of all requests.

Budget deadlines shall be strictly adhered to!

**TOWN OF MASHPEE
FISCAL YEAR 2018
BUDGET CALENDAR**

REFERENCE	DEADLINE
Budget Guidelines distributed to Departments for completion	August 15, 2016
Deadline for submission of Budgets in MUNIS	September 30, 2016
Copies of Budget Requests forwarded to BOS and FinCom for review	October 14, 2016
School Budget adopted by School Committee due to Town Manager	January 16, 2017
Town Reports due from Departments	February 13, 2017
Deadline for submission of Town Meeting Articles with Explanations	February 13, 2017
Town Manager Budget Recommendations to BOS	February 8, 2017
Town Manager Budget Recommendations to FinCom	February 17, 2017
Publish proposed Budget and Message in Enterprise	February 17, 2017
FinCom advertises Public Hearing for proposed Budget	March 3, 2017
FinCom holds Public Hearing for proposed Budget	March 16, 2017

**TOWN OF MASHPEE
FISCAL YEAR 2018
BUDGET CALENDAR**

Deadline for FinCom Recommendations for Town Meeting to be included in Town Meeting Booklet	March 17, 2017
Post Warrant with Town Clerk and publish in Enterprise	March 31, 2017
Deadline to deliver Warrant/FinCom Report to voters	April 24, 2017
Annual/Special Town Meeting	May 1, 2017
Annual Town Election	May 16, 2017

SECTION 5-8: PUBLIC BUILDING MAINTENANCE

The responsibility for the maintenance and repair of all town owned buildings and grounds shall be consolidated in the Department of Public Works under the supervision of the Town Manager. The Town Manager, after consultation with the school superintendent, shall determine the manner in which such responsibility shall be assumed and the services delivered. The Town Manager and the school superintendent shall from time to time meet or otherwise communicate to assure the proper maintenance of all school buildings. Nothing in this section shall be construed so as to interfere in any way with the appointment by the School Committee, or by other school department personnel serving under it, of the maintenance personnel in school buildings who perform, so-called, ordinary custodial maintenance. It is the intention of this provision however, that standards for the work to be performed will be established jointly by the School Department and the Town Manager.

ARTICLE 6

FINANCE AND FISCAL PROCEDURES

SECTION 6-1: FISCAL YEAR

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

SECTION 6-2: SCHOOL COMMITTEE BUDGET

(a) **Public Hearing** - At least twenty-one days before the meeting at which the School Committee is scheduled to vote on its final budget request, the School Committee shall cause to be published in a local newspaper a general summary of its proposed budget which shall include a consolidated report of proposed expenditures by educational level and program. The summary shall specifically indicate any major variations from the current budget and the reasons for such changes. The notice shall further indicate the times and places at which complete copies of the proposed budget are available for examination by the public, and it shall indicate the date, time and place, (not less than seven nor more than fourteen days following such publication), when a public hearing will be held by the School Committee on the proposed budget. The School Committee shall not take its final vote on its proposed budget until all persons who desire to be heard concerning the budget proposal have had a reasonable opportunity to be heard.

(b) **Submission to Town Manager** - The proposed budget adopted by the School Committee shall be submitted to the Town Manager at least twenty-one days before the date the Town Manager is required to submit a proposed town budget to the finance committee, to allow the Town Manager sufficient time within which to consider the effect the school department's requested appro-

riation will have upon the total town operating budget the Town Manager is required to submit to the Finance Committee under this article. The action of the School Committee in adopting the proposed budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment to the proposed budget as may be offered shall be recorded.

SECTION 6-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE

On a date fixed by by-law at least sixty days before the annual town meeting is scheduled to begin, the Town Manager shall submit to the Finance Committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The Town Manager shall simultaneously provide for the publication in a local newspaper of a notice and a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget for the town are available for examination by the public.

SECTION 6-4: BUDGET MESSAGE

The Town Manager's message shall explain the proposed budget both in fiscal terms and in terms of the work programs linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position including factors affecting the ability to raise resources through debt issues, report on the accomplishment of performance standards and goals established in prior budgets and include such other material as the Town Manager deems desirable.

SECTION 6-5: THE BUDGET

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the Town Manager deems desirable or the Finance Committee may require for effective management and an understanding of the relationship between the budget and the town's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures for the preceding fiscal year. It shall indicate in separate sections:

(1) The proposed goals, performance standards and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures, and methods to measure outcomes and performance related goals;

(2) Proposed longer term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other high level organization unit when practicable, the proposed method of financing each such capital expenditure and methods to measure outcomes and performance related to the goals; and

(3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the town and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus fund balance carried forward, exclusive of reserves.

SECTION 6-6: ACTION ON THE BUDGET

(a) **Public Hearing** - Forthwith upon its receipt of the proposed operating budget, the Finance Committee shall provide for the publication of a notice in a local newspaper stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted by the Town Manager.

(b) **Finance Committee Review** - The Finance Committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The Finance Committee shall provide a consolidated report describing estimated total town revenues and expenditures, by category, for the ensuing fiscal year, including the projected or estimated property tax rate used in calculating the estimated revenue to be raised from the property tax, and with comparable figures for estimated and actual revenues and expenditures for the current fiscal year as well as actual revenues and expenditures for the preceding fiscal year. This report shall be included in the Finance Committee report required by section 2-11 of this charter.

The Finance Committee may require the Town Manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(c) **Action by Town Meeting** - The Finance Committee shall file a written report containing its recommendations for the action to be taken on each line item in the proposed operating budget as submitted by the Town Manager. When the proposed operating budget for the ensuing fiscal year is before the town meeting for action the prevailing motion shall be: "*Shall the operating budget be adopted in the amounts as recommended by the Town Manager?*" The Finance Committee shall have a right to propose amendments for general town government budget items before any other. Amendments may be offered and the School Committee shall have a right to offer amendments to the school portion of the operating budget before any other amendments may be offered.

SECTION 6-7: PERSONAL LIABILITY FOR EXPENDITURES IN EXCESS OF APPROPRIATION

No official of the town, except in the case of an emergency involving the health and safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of the appropriations duly made in accordance with law nor involve the town in any contract for the future payment of money in excess of such appropriations. It is the intention of this section that the provisions of Chapter 44, Section 31 of the General Laws shall be strictly enforced. Any official who violates the provisions of this section shall be personally liable to the town for any amounts so expended to the extent the town does not recover such amounts from the person to whom such sums were paid.

SECTION 6-8: CAPITAL IMPROVEMENT PROGRAM

The Town Manager shall submit a Capital Improvement Program to the Finance Committee and to the Town within the time frame provided in a capital improvement bylaw. The Capital Improvement Program shall be based on material prepared by the Capital Improvement Program Committee established by by-law (if any). It shall include:

- (1) a clear and concise general summary of its contents;
- (2) a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement; cost estimates, methods of financing and recommended time schedules for each improvement; and,
- (3) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the Town Manager with regard to the capital improvements still pending or in the process of being acquired improved or constructed.



TOWN OF MASHPEE

OFFICE OF SELECTMEN

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone - (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

TO: Andrew R. Gottlieb – Chairman, Board of Selectmen
and Members of the Board of Selectmen

FROM: Christine Willander – Administrative Assistant *CW*

DATE: August 15, 2016

RE: Board of Selectmen Meeting Schedule

Listed below are the dates of the upcoming Board of Selectmen meetings scheduled from December 1, 2016 through June 30, 2017. All meetings will take place in the Waquoit Meeting Room unless otherwise noted.

Thank you.

Monday	December 5, 2016	6:30 p.m.
Monday	December 19, 2016	6:30 p.m.
Monday	January 9, 2017	6:30 p.m.
Monday	January 23, 2017	6:30 p.m.
Monday	February 13, 2017	6:30 p.m.
Monday	February 27, 2017	6:30 p.m.
Monday	March 13, 2017	6:30 p.m.
Monday	March 27, 2017	6:30 p.m.
Monday	April 10, 2017	6:30 p.m.
Monday	April 24, 2017	6:30 p.m.
Monday	May 1, 2017	6:00 p.m.
	Town Meeting, High School	
Monday	May 15, 2017	6:30 p.m.
Wednesday	May 17, 2017	9:00 a.m.
Monday	June 5, 2017	6:30 p.m.
Monday	June 19, 2017	6:30 p.m.



TOWN OF MASHPEE

OFFICE OF SELECTMEN

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone - (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

TO: Andrew R. Gottlieb, Chairman
and Honorable Members of the Board of Selectmen

FROM: Christine Willander, Administrative Assistant

DATE: August 18, 2016

RE: *Review of Draft #2 of October 2016 Town Meeting Warrant*

At the request of the Town Manager, I am submitting Draft #2 of the October 2016 Town Meeting Warrant for your consideration. Red notations indicate what changes, if any, were made to each article since Draft #1 was reviewed at the August 8th Selectmen's meeting.

Supporting documents include:

- Attachment I – Town Planner's comments/recommendations relative to Zoning Bylaw articles
- Attachment II – Building Commissioner's response to Town Planner's comments/recommendations

Also attached are three new articles for your consideration. These articles were not included in Draft #1, as they were submitted after the deadline, but are being proposed for inclusion in the Warrant.

**TOWN OF MASHPEE
ANNUAL TOWN MEETING
MONDAY, OCTOBER 17, 2016**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 17th day of October 2016 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant.

Article 1

To see if the Town will vote to appropriate and transfer the sum of \$498 from revenue available for appropriation to pay previous fiscal year unpaid bills as follows:

Judith Daigneault, Retroactive Payment	\$498
--	-------

Or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article is necessary to pay retroactive wages which are owed to one of the Town's board secretaries as a result of a missed step increase.

CHANGES: none

**The Board of Selectmen
The Finance Committee**

Article 2

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the School Building Committee for replacement of windows and doors at the Quashnet School, 150 Old Barnstable Road, Mashpee, Massachusetts 02649, for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (MSBA). The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town of Mashpee may receive from the MSBA for the project shall not exceed the lesser of 1) 37.95 percent (%) of eligible, approved project costs, as determined by the MSBA or 2) the total maximum grant amount as determined by the MSBA.

Submitted by the Board of Selectmen

Explanation:

**The Board of Selectmen
The Finance Committee**

CHANGES: *Removed "or take any other action relating thereto" per Finance Director's recommendation.*

Article 3

To see if the Town will vote to transfer the sum of \$25,077.23 from the Cable Access Special Revenue fund to the Cable Access Receipts Reserved fund, or take any other action relating thereto.

Submitted by the Town Accountant/Finance Director

Explanation: The Department of Revenue has required municipalities to account for Cable Access funds in a Receipts Reserved account, beginning in FY 2017. This article will transfer the June 30, 2016 balance in the previous Cable Access fund to the new fund.

**The Board of Selectmen
The Finance Committee**

CHANGES: *Amount to be transferred was inserted.*

Article 4

To see if the Town will vote to appropriate and transfer the sum of \$83,000 from the Ambulance Receipts Reserved for Appropriation account to the FY 2017 Fire Capital account, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article is to fund the upgrade of the Fire/EMS reporting program, including replacement of hardware. Currently, the Town uses two separate programs for reporting; this new program will allow for both Fire and EMS reporting, and will be compliant with the Office of Emergency Medical Services reporting requirements. The Fire Department was notified in March that the current Fire incident reporting program would be discontinued, thus requiring the change to the new reporting program. Due to this need for a new Fire reporting program, as well as pending upgrade requirements and increased annual costs of the existing EMS program, it was determined that upgrading to one reporting program would be fiscally and operationally more beneficial to the Town. The Capital Improvement Committee held a special meeting and unanimously voted to approve the project.

8/18/2016 1:45 PM

DRAFT #2

The \$83,000 cost of the upgrade is distributed as follows, and all funding will be through the Ambulance Receipts account:

\$38,950	ImageTrend program – includes CAD integration and personnel training
\$33,000	Purchase of six (6) laptop/table computers for Fire vehicles
\$ 9,610	Purchase of computer mounts, antenna, installation and Windows licensing
\$ 1,440	Six months of Verizon wireless service to cover FY 2017 costs

The Board of Selectmen
The Finance Committee

CHANGES: Language revision only.

Article 5

To see if the Town will vote to appropriate and transfer, pursuant to the provisions of M.G.L. Chapter 44B, §6 to reserve from FY 2017 estimated Community Preservation revenues, the following amounts:

\$149,723	10% for Open Space/Recreational Purposes
\$149,723	10% for Historic Preservation Purposes
\$149,723	10% for Affordable Housing Purposes
\$1,048,058	to the FY 2017 Community Preservation Fund Budgeted Reserve for Appropriation, as recommended by the Community Preservation Committee,

or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: This article is required annually to set aside the 10% Reserves of the estimated Community Preservation Funds for Open Space/Recreation Purposes, Historic Preservation Purposes and Affordable Housing Purposes as well as to fund the Budgeted Reserve for Appropriation.

The Community Preservation Committee voted 7-0 to approve this article to set aside the 10% Reserves and Budgeted Reserve for Appropriation to be available for use in FY 2017, as certified by the Town Finance Director and reflected in the FY 2017 CP-1.

The Board of Selectmen
The Finance Committee

CHANGES: Amounts to be transferred were inserted.

Article 6

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44B, §5, to amend the previous vote of the Town Meeting under Article 9 of the May 2016 Special Town Meeting for the purposes of funding the acquisition of the Littleford Moniz Jordan property; 104 William

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Mingo Road identified on Assessor's Map 51, Block 6 and 60 Saddleback Road identified on Assessor's Map 43, Block 14 for open space and passive recreation purposes by striking the wording "with no conservation restriction." And further, to authorize the Conservation Commission and/or the Board of Selectmen to acquire, by purchase, fee title to the subject property for open space and passive recreation purposes pursuant to M.G.L. Chapter 40, §8C or otherwise, to grant/impose such conservation use restrictions with respect to said property as may be required by M.G.L. Chapter 44B, §12 and to execute such agreements and instruments as may be necessary to accomplish said transactions, all as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The Town Meeting vote under Article 9 of the May 2016 Special Town Meeting authorized the appropriation of Community Preservation Act funding for this acquisition. However, the article did not specifically authorize the Board of Selectmen to acquire title to the subject property nor did it specifically authorize the Board of Selectmen and/or Conservation Commission to impose/grant a use restriction on the property as required by the Community Preservation Act, M.G.L. Chapter 44B, §12. The subject property will be perpetually limited to open space and passive recreation purposes enforceable by the Conservation Commission or other conservation organization.

The vote of the Community Preservation Committee was 6-0 in support of this article.

The Board of Selectmen
The Finance Committee

CHANGES: none

Article 7

To see if the Town will vote to appropriate and transfer from the Community Preservation Budgeted Reserve for Appropriation, in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$260,000 for the purpose of funding the Mashpee Middle/High School Tennis Court and Basketball Court Reconstruction Project including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to improve the tennis and basketball courts at the Middle/High School. The courts are original to the school's construction 20 years ago. There are six tennis courts and two full-size basketball courts at the school that are extensively utilized on a year-round basis. Due to the age of the courts and deterioration, the surface is negatively affecting play on the courts. Total reconstruction is required as repairs are deemed not cost effective.

The vote of the Community Preservation Committee was unanimous 7-0 in support of this article.

**The Board of Selectmen
The Finance Committee**

CHANGES: none

Article 8

To see if the Town will vote to appropriate and transfer from the Community Preservation Budgeted Reserve for Appropriation in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$91,000 for the purpose of funding the Mashpee K.C. Coombs School Playground Improvement Project including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: This project would improve the playground facilities provided at the K.C. Coombs School with nature-themed climbing and balance structures that would complement the additional playground structures at the school. This would assist children in the development of motor skills including balance, agility, coordination and strength. New surfacing is proposed to meet the requirements for fall protection. The playground equipment would replace a more than 20-year old climbing structure, and be handicap accessible. The K.C. Coombs School PTO is committed to fundraising for the purchase and installation of a small shade shelter. The total project cost is \$100,500.

The vote of the Community Preservation Committee was unanimous 7-0 in support of this article.

**The Board of Selectmen
The Finance Committee**

CHANGES: none

Article 9

To see if the Town will vote to appropriate and transfer from the Community Preservation Budgeted Reserve in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$230,000 for the purpose of funding the Mashpee Quashnet School Playground Improvement Project including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to improve the playground facilities provided at the Quashnet School. The playground is a multi-component structure which would complement the additional playground equipment at the schools. Opportunities for children include balancing, climbing, sliding and strength conditioning. It would also promote problem solving and interactive play. The new equipment would replace the old wooden play structure. New surfacing would meet the requirements for fall protection and the structure would be handicap accessible.

The vote of the Community Preservation Committee was unanimous 7-0 in support of this article.

**The Board of Selectmen
The Finance Committee**

CHANGES: *none*

Article 10

To see if the Town will vote to appropriate and transfer from the Community Preservation Historic Purposes Reserve in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$57,801 for the purpose of funding the Mashpee Historic District Signage Project including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to identify approximately 70 buildings and locations that are historically significant in the Mashpee Historic District and in other parts of the Town of Mashpee. The historic markers would include a photo or a sketch with text and a quote regarding the site. Duplicate signage would be reproduced and a set of the signage would be on display at the Mashpee Town Hall. The project includes a Mashpee Historic District Walking Tour pamphlet. Signage would also be displayed at the Mashpee Community Park at a planned kiosk with a map and description of the Historic District. There would be additional space to display information relative to the One Room Schoolhouse and events scheduled to be held at the Community Park. The project is intended to inform both residents and visitors of the unique history of the Town of Mashpee.

The vote of the Community Preservation Committee was unanimous 6-0 in support of this article. One member recused himself from voting on this article.

**The Board of Selectmen
The Finance Committee**

CHANGES: *none*

Article 11

To see if the Town will vote to appropriate and transfer from the Community Preservation Affordable Housing Reserve in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$30,000 for the purpose of funding additional construction costs associated with the Habitat for Humanity Affordable Housing projects located at 108 Orchard Road and 132 Quinaquisset Avenue, identified on Map 69, Parcels 18 and 6, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The project would fund additional work associated with the two ongoing Habitat for Humanity affordable housing projects previously funded by the CPC. This is the second round of funding for the projects. Habitat previously requested \$100,000 for this project. The CPA Special Town Meeting contribution in May of 2015 was \$70,000, an award of \$35,000 per home. Additional CPA funding would assist in the completion of the remainder of construction work required to complete the affordable housing projects, which shall be deemed affordable in perpetuity.

The vote of the Community Preservation Committee was 6-0 in support of this article.

**The Board of Selectmen
The Finance Committee**

CHANGES: none

Article 12

To see if the Town will vote to appropriate and transfer from the Community Preservation Affordable Housing Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$10,000 for the purpose of funding the solar panel installation project associated with the Habitat for Humanity Affordable Housing projects located at 108 Orchard Road and 132 Quinaquisset Avenue identified on Map 69, Parcels 18 and 6, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The project would fund additional work associated with two ongoing Habitat for Humanity affordable housing projects previously funded by the CPC. This is a new request for funding. Additional CPA funding in the amount of \$10,000 would assist to "fill the gap" in funding (\$5,000 per home) to complete the solar panel installation project planned on both the Orchard Road and Quinaquisset Avenue homes. Habitat for Humanity has assumed the budget for a 3-bedroom home solar installation to be approximately \$24,000 per home. With the installer discount, Cape Light Compact funds and a private grant, \$19,000 has been secured for each home.

The vote of the Community Preservation Committee was 4-2 in support of this article.

**The Board of Selectmen
The Finance Committee**

CHANGES: none

Article 13

To see if the Town will vote to appropriate and transfer the sum of \$65,000 from the Waterways Improvement Fund to the Waterways Dredging Account to cover costs associated with dredging

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5,000 cubic yards of sediment in the Popponesset Approach Channel, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will transfer funds from the Waterways Improvement Fund to cover costs associated with dredging 5,000 cubic yards of sediment in the Popponesset Approach Channel to provide safe navigation. This is a long haul dredge.

**The Board of Selectmen
The Finance Committee**

CHANGES: *Additional explanation added.*

Article 14

To see if the Town will vote to appropriate and transfer the sum of \$37,800 from the Waterways Improvement Fund to the Waterways Dredging Account to cover costs associated with dredging 4,200 cubic yards of sediment from the 1916 Channel, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will transfer funds from the Waterways Improvement Fund to the Waterways Dredging Account to cover costs associated with dredging 4,200 cubic yards of sediment from the 1916 Channel to provide safe navigation. This is a short haul dredge.

**The Board of Selectmen
The Finance Committee**

CHANGES: *Additional explanation added.*

Article 15

To see if the Town will vote to appropriate and transfer the sum of \$100,000 from the Waterways Improvement Fund to the Great River/Little River Extension Account for the purpose of conducting an engineering review/study of extension/connection (improvement dredge) of the Great River/Little River Channel to the Town of Falmouth Waquoit Bay Main Channel, and an improvement dredge of the Little River entrance to Hamblin Pond, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will transfer funds from the Waterways Improvement Fund to cover engineering/consulting costs for new dredging permits to develop an extension of the Great River/Little River Channel to the Falmouth Waquoit Bay Main Channel, to open the entrance to Hamblin Pond from Little River, and also to conduct a review of sediment disposal.

The Board of Selectmen

CHANGES: *Additional explanation added.*

Article 16

To see if the Town will vote to appropriate and transfer the sum of \$20,000 from the Waterways Improvement Fund to the Department of Natural Resources Equipment Expense account for the purpose of purchasing equipment/hardware for maintenance of the waterways by the Department of Natural Resources/Harbormaster, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will transfer funds from the Waterways Improvement Fund to cover costs of channel markers, associated hardware, chains, anchors and miscellaneous equipment, which is needed by the Harbormaster to properly identify channels for safe navigation.

**The Board of Selectmen
The Finance Committee**

CHANGES: *Explanation added.*

Article 17

To see if the Town will vote to amend the Zoning By-law as follows:

Add the following new subsection:

174-30.1 Sight Obstruction

To promote public safety at street intersections/corner lots in all Districts, no sign (except signs erected by the Town of Mashpee), fence, wall hedge, or other obstruction, shall be allowed to obstruct vision more than two and one half (2.5) feet high above the plane of the established grades of the street within a triangular area formed by the street lines twenty (20') feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of such lines as projected.

Or take any other action relating thereto.

Submitted by Board of Selectmen

Explanation:

**The Board of Selectmen
The Finance Committee**

CHANGES: *Language revisions made by Building Commissioner, per Town Planner's comments/recommendations (Attachment I).*

Article 18

To see if the Town will vote to amend the Zoning By-law as follows:

Amend Section 174-31, Land Space Requirements Table, footnote 14, by inserting the term "C-1 District or" before the term "Mashpee Center Overlay District" in the first sentence;

or take any other action related thereto.

Submitted by Planning Board

Explanation: This article is intended to remove the requirement for a 50-foot wide natural wooded buffer at the front of commercial lots along Routes 28 and 151, Great Neck Road South and North in the C-1 Commercial Zoning District, located in the area of the Mashpee rotary, an area which is intended to serve as the Town's downtown core area.

**The Board of Selectmen
The Finance Committee**

CHANGES: none

Article 19

To see if the Town will vote to amend the Zoning By-law as follows:

Amend Section 174-31, Land Space Requirements Table, by reducing the required side and rear setbacks in the R-5 Zoning District from 25 feet to 15 feet;

or take any other action related thereto.

Submitted by Planning Board

Explanation: This article is intended to reduce side and rear setbacks in the R-5 residential zoning district from 25 to 15 feet to make them consistent with the same requirements in the R-3 residential zoning district and to reduce the number of potential variance requests in the R-5 district, the majority of whose existing lots are much smaller than the district's 80,000 square foot minimum lot size required for new subdivision lots.

**The Board of Selectmen
The Finance Committee**

CHANGES: none

Article 20

To see if the Town will vote to amend the Zoning By-law as follows:

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Amend Subsection 174-33 by inserting the language "unless approved by the Conservation Commission" at the end of the paragraph.

Or take any other action relating thereto.

Submitted by XXX

Explanation: This article is intended to eliminate the need to go before the Zoning Board of Appeals to seek relief that has already been granted by the Conservation Commission.

**The Board of Selectmen
The Finance Committee**

CHANGES: Cannot be submitted by Building Department, per Town Planner's comments/recommendations (Attachment A). Remainder of Article was withdrawn by the Building Commissioner (Attachment B).

Article 21

To see if the Town will vote to amend the General By-laws as follows:

Proposed revisions to Noise Control By-law.

Submitted by the Board of Selectmen

Explanation:

**The Board of Selectmen
The Finance Committee**

CHANGES: none

Article 22

To see if the Town will vote to amend Chapter 170 of the General By-law as follows:

Add the following new subsection:

170-18 Use of Town Floats at Mashpee Public Access Ramps

The use of a Town Floats is meant to accommodate traffic and safety of boaters during time of vessel entry and removal from the water. Unattended tie-up is prohibited. Tie-up is permitted for the purpose of off-loading/loading of a watercraft on a trailer, as minimal time is required to position a vehicle with a trailer attached.

The operator of any watercraft who violates this section shall be subject to a fine in the amount of \$100 for each offense hereof, which violation shall be enforced pursuant to Section 170-3 of this by-law.

Or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: Public access to the water is limited in Mashpee, and public access ramps provided by the Town require directions to enable safe operation by users. The floats are provided to assist users, and are not in place to enable boaters to tie up for an extended period of time. Approval of this article would prohibit unattended tie-up, and assess a fine for violators.

**The Board of Selectmen
The Finance Committee**

CHANGES: Explanation added.

Article 23

To see if the Town will vote to amend the General By-law as follows:

Replace Subsection 153-1 in its entirety with the following language:

“All private outdoor swimming pools shall be fenced to prevent unauthorized entry to said pool(s), in accordance with the current version of the Massachusetts State Building Code.”

Or take any other action relating thereto.

Submitted by the Building Department

Explanation: This article is intended to have the same requirement for the height of a fence around a swimming pool as outlined under the Massachusetts State Building Code. As it now stands, the Town of Mashpee has a height requirement that is in conflict with the Massachusetts State Building Code. This will alleviate the confusion as to what height the fence is to be.

**The Board of Selectmen
The Finance Committee**

CHANGES: Explanation added.

Article 24

To see if the Town will vote to amend Chapter 172-5 of the General By-law as follows:

Add (preface) the existing language of Chapter 172-5(A)(2) with the following language:

“Any person filing a Notice of Intent application with the Commission must, after being given written notice by the Commission of the time and date of the required hearing, notify all abutting property owners within one hundred (100) feet of the boundary of the property on which the

work is proposed, according to the most recent records of the Assessor, including owners in another municipality.”

Or take any other action relating thereto.

Submitted by the Conservation Department

Explanation: This language previously existed in Chapter 172 of the General By-law but was inadvertently omitted in the latest revisions to this section of the by-law.

**The Board of Selectmen
The Finance Committee**

CHANGES: none

Article 25

To see if the Town will vote to amend the General By-law as follows:

Add the following chapter.

CHAPTER 126 – PROHIBITED ACTIVITIES

ARTICLE I – Single-Use Plastic Bag

126-1. Purpose and Intent:

The production, use and disposition of single-use plastic bags, as defined herein, has significant impacts on the marine and terrestrial environment of all coastal communities, including but not limited to:

- A. Contributing to the injury and even death of marine and terrestrial animals through ingestion and entanglement;
 - B. Contributing to pollution and degradation of the terrestrial and coastal environment;
 - C. Clogging our storm drainage systems;
 - D. Creating mechanical and disposal burdens for solid waste collection and recycling facilities; and
 - E. Requiring the use of millions of barrels of non-renewable, polluting, fossil fuel nationally for their manufacture.
-
- 1. Studies have shown that even those plastic bags made from “biodegradable,” “compostable” or “oxo-biodegradable” materials, which all require very specific and controlled environments to fulfill their claims, are for all intents and purposes identical to single-use high or low-density polyethylene plastic bags in their potential impacts to the environment as set forth above. Bags of these types are therefore also subject to the requirements herein.
 - 2. The goal of this Bylaw is to join neighboring towns on Cape Cod in protecting, conserving and enhancing our unique natural beauty and irreplaceable natural resources by

phasing out, within the retail sector, the use of certain single-use plastic bags, as defined herein, and by encouraging the use of reusable bags within the retail and municipal sectors. Therefore, the Town of Mashpee seeks to phase out the use of single use plastic bags by December 31, 2017.

126-2. Definitions:

Carryout Bag - Any bag that is provided at the point of sale to a customer by an establishment for use to transport or carry away purchases, such as merchandise, goods or food, except as otherwise exempted under §126-3B.

Customer - Any person purchasing goods, articles, food or personal services from an establishment.

Enforcing Person - Those persons listed in §126-6, namely any police officer or agent of the Board of Health: non-criminal enforcement of ordinances, rules and regulations, of the General Ordinances of the Code of the Town of Mashpee, as further delegated by the time of taking effect pursuant to §126-5.

Establishment - Any business selling goods, articles, food or personal services to the public, including but not limited to markets, merchandise retailers, food purveyors, public eating establishments and take-out restaurants.

Operator - The person in control of, or having the responsibility for, the operation of an establishment, which may include, but is not limited to, the owner.

Person - Any natural person, firm, corporation, partnership, or other organization or group however organized.

Product Bag - A bag integrated into the packaging of the product.

Reusable Bag - A bag with handles specifically designed for multiple reuse; and is either:

1. Made of cloth or other machine washable fabric; or
2. Made of durable, non-toxic plastic generally considered a food-grade material that is more than 4 milliliters thick.

Single Use Plastic Bag - For the purposes of this Bylaw is defined as a bag made of plastic, including but not limited to bags made of any and all grades of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, nylon, "biodegradable," "compostable" or "oxo-biodegradable" materials, with a thickness of less than 4.0 milliliters provided at the checkout stand, cash register, point of sale or other point of departure and that are intended for the purpose of transporting food or merchandise out of the Establishment. Single-use plastic bags **do not include** plastic bags provided to the customer, which are a maximum of 11 inches by 17 inches and are without handles, listed below:

1. To transport produce, bulk food, candy or meat from a department within a store to the point of sale;
2. To hold prescription medication dispensed from a pharmacy;
3. To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a point-of-sale bag;
4. To distribute newspapers; or
5. To protect clothing in dry-cleaning establishments.

126-3 Use and Regulation:

- A. Single-use plastic carryout bags shall not be sold, provided, or distributed to a customer or any other person by any person, owner, or operator of any establishment within the Town of Mashpee. Existing stock of single-use bags shall be phased out within **twelve (12)** months of adoption of this article; any remaining stock shall be disposed of properly by the establishment.
- B. Exemptions and Alternatives:
 - 1. The following are exempt and not subject to the provisions of this chapter. These types of bags are in addition to the 5 types of bags that are not single use plastic bags as defined in Section 2.
 - (1) Bags used by customers inside establishments to:
 - (a) package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
 - (b) contain or wrap frozen foods, meat, or fish, whether packaged or not; or
 - (c) contain or wrap flowers, potted plants, newspapers, or other items where dampness may be a problem;
 - 2. Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste.
 - 3. Product bags.
- C. Nothing in this chapter prohibits customers from using bags of any type that they bring to the grocery store, food provider, or other establishment themselves or from carrying away goods that are not placed in a bag. Customers are encouraged to bring their own reusable bags to the aforesaid establishments.
- D. Establishments may and are strongly encouraged to distribute paper bags, reusable bags and boxes available to customers with or without charge and educate their staff to promote reusable bags and post signs encouraging customers to use washable reusable bags.
- E. The Town Manager or designee may prior to the effective date of this ordinance engage in any outreach process to establishments concerning this ordinance and exempt an establishment from the requirements of §126-3A for a period of not more than one year upon the establishment's showing, in writing, that this Bylaw would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing and the Town Manager's decision shall be final.

126-4 Reusable Bag Policy:

Notwithstanding the provisions of §126-3B, an establishment shall provide a reusable bag at no cost upon the request of a customer who uses a voucher issued under the Special Supplemental

Food Program for Women, Infant and Children (WIC) pursuant to M.G.L. c. 111. Customers are encouraged to bring their own reusable shopping bags to stores. Establishments may provide reusable bags at no charge, or charge a reasonable fee for each paper or other bag, as they desire. Establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

126-5 Time to Take Effect:

In addition to the exemption provided in §126-3B, in order to further assist existing establishments in complying with this ordinance by phasing out the use of single-use plastic carryout bags over a period of 12 months from the effective date this ordinance, this ordinance shall take effect after 12 months from the date of its adoption.

126-6 Inspection and Enforcement:

Any enforcing person shall have the right to enter any establishment during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this chapter. Upon finding a violation of this chapter an enforcing person shall issue a written warning notice to the operator of the establishment that a violation has occurred and the potential penalties that will apply for future violations. This article may be enforced by any Town police officer or agents of the Board of Health. This article may be enforced through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c. 40, §21D and appropriate chapter of the Town's General By-laws.

126-7 Violations and Penalties:

Any establishment that violates or fails to comply with this chapter shall be subject to the following penalties to be enforced in law or equity by any means, including without limitation noncriminal disposition pursuant to G. L. c. 40 § 21D, provided that no more than one (1) penalty after written warning shall be imposed upon an establishment within a seven (7) day calendar day period: First Offense: \$50.00 fine. Second Offense: \$100.00 fine. Third and Subsequent Offense: \$200.00 and the Town may in its discretion publish the fine on its web site after the third and subsequent offense.

126-8 Severability:

If any provision of this ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance, which shall remain in full force and effect.

Submitted by Environmental Oversight Committee

Explanation: The production, use and disposition of single-use plastic bags, including bags made of high-density polyethylene, low-density polyethylene, "biodegradable," "compostable" or "oxo-biodegradable" materials, have significant impacts on the marine and terrestrial environment of all coastal communities, including but not limited to:

- 1) Contributing to the injury and even death of marine and terrestrial animals through ingestion and entanglement;
- 2) Contributing to pollution and degradation of the terrestrial and coastal environment;
- 3) Clogging our storm drainage systems;
- 4) Creating mechanical and disposal burdens for solid waste collection and recycling facilities; and
- 5) Requiring the use of millions of barrels of non-renewable, polluting, fossil fuel nationally for their manufacture.

Studies have shown that even those plastic bags made from "biodegradable," "compostable" or "oxo-biodegradable" materials, which all require very specific and controlled environments to fulfill their claims, are for all intents and purposes identical to single-use high or low-density polyethylene plastic bags in their potential impacts to the environment as set forth above. Bags of these types are therefore also subject to the requirements herein.

The goal of this by-law is to join neighboring towns on Cape Cod in protecting, conserving, and enhancing our unique natural beauty and irreplaceable natural resources by phasing out, within the retail sector, the use of certain single-use plastic bags, as defined herein, and by encouraging the use of reusable bags within the retail and municipal sectors. Therefore, the Town of Mashpee seeks to phase out the use of single-use plastic bags by December 31, 2017.

**The Board of Selectmen
The Finance Committee**

CHANGES: Article itself was incorporated into Draft Warrant, after review and approval as to format by the Town Clerk.

Article 26

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift or otherwise, title to that certain parcel of land identified on Mashpee Assessor's Map 62 as Parcel 25 and located at 46 Arabic Avenue in Mashpee, Barnstable County, Massachusetts, consisting of 0.229 acres, more or less, for general municipal purposes, and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments on behalf of the Town as may be necessary to effect this transfer of title, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation:

**The Board of Selectmen
The Finance Committee**

CHANGES: none

Article 27

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To see if the Town will vote to transfer the use of, and authorize the Board of Selectmen to convey to Southworth Willowbend, LLC, an easement for private irrigation/utility purposes within Quinaquisset Avenue, specifically, that portion of said way measuring approximately 6.5 feet by 64.87 feet, containing 324 square feet +/-, shown as "E-2" on the plan entitled "Easement Plan of Land, Quinaquisset Avenue, Mashpee, MA," prepared by Surveying and Mapping Consultants for Tighe & Bond, Inc., dated June 8, 2016 (the "Plan"); to authorize the Board of Selectmen to accept from Southworth Willowbend, LLC the grant of an easement for stormwater and headwall maintenance and access purposes, shown as "E-1" on said Plan, containing 1831 square feet +/- in and over that portion of the parcel of land located on Quinaquisset Avenue, described in the deed recorded at the Barnstable County Registry of Deeds at Book 26395, Page 222, and identified on Mashpee Assessor's Map 69, as parcel 117-0; and, further, to authorize the Board of Selectmen to execute any agreements, documents, or instruments necessary to effect said easement transfers upon such terms and conditions as they deem to be in the best interest of the Town, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation:

**The Board of Selectmen
The Finance Committee**

CHANGES: none

Article 28

To see if the Town will vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Winslow Drive and Holly Farm Drive, and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation the sum of \$6,000 to the Winslow Drive and Holly Farm Drive Roadways Account, or take any other action relating thereto.

Submitted by Petition

**The Board of Selectmen
The Finance Committee**

CHANGES: none

Article 29

To see if the Town will vote to accept the layouts as public ways of Windsor Way, Victoria Circle, Saxony Drive, Tudor Terrace and Sheffield Place, as shown on plans entitled "Windsor Way Easement Taking Plan," dated December 30, 2015; "Victoria Circle Easement Taking Plan," dated December 30, 2015; "Saxony Drive Easement Taking Plan," dated December 30, 2015; "Tudor Terrace Easement Taking Plan," dated December 30, 2015; and "Sheffield Place Easement Taking Plan," dated December 30, 2015, in Mashpee, MA (Barnstable County), prepared by Baxter Nye Engineering & Surveying, which layouts shall have been filed in the Office of the Town Clerk not

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later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$521,629 to the Spring Hill Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways, or take any other action relating thereto.

Submitted by Petition

The Board of Selectmen

The Finance Committee

CHANGES: Minor language revision, per Finance Director.

Article 30

To see if the Town will vote to accept the layout as a public way of Leeward Lane, as shown on plans entitled "Leeward Lane Easement Taking Plan," dated December 30, 2015, in Mashpee, MA (Barnstable County), prepared by Baxter Nye Engineering & Surveying, which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$104,167 to the Leeward Lane Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways, or take any other action relating thereto.

Submitted by Petition

The Board of Selectmen

The Finance Committee

CHANGES: Minor language revision, per Finance Director.

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 19th day of September in the year two thousand and sixteen.

Per Order of,
Board of Selectmen

Andrew R. Gottlieb, Chairman
John J. Cahalane, Vice-Chairman
Thomas F. O'Hara, Clerk
Carol A. Sherman
John J. Cotton

ATTACHMENT I

Article 17

To see if the Town will vote to amend the Zoning By-law as follows:

Add the following new subsection:

174-30.1 ~~(A)~~-Sight Obstruction

At corners, no sign (except signs erected by a public agency), fence, wall, hedge, or other obstructions, greater than 2 ½-feet tall, shall be allowed to block vision within a triangle, measured from the corner of the property that is formed by the intersection of two property lines, and measured 20-feet back along the two property lines to form the triangle.

Or take any other action relating thereto.

Submitted by the Board of Selectmen

COMMENT BY PLANNER:

The By-law numbering system should be correctly followed, i.e. this new Section should be numbered 174-30.1, not 174-30 (A).

The article is not clear as to what "corners" it is intended to apply to. Just "street" corners (which leaves out almost all condominium, shopping center and commercial entrances, which are not laid out as streets, and have no property lines to which the 20 foot measurement could be applied) or all "corners" including all driveways (including single-family residential)?

All street intersections have a 25 foot or more radius section in the layout lines at the intersection. There are no intersections of property lines from which to measure the proposed 20 feet, which is less than the layout radius.

What is being proposed is generally known as a "sight distance triangle" or "sight triangle". These are common zoning items, although usually larger than 20 feet. However, in terms of highway engineering, adequate sight distance, and the length of the sides of the "sight triangle", is dependent on the speed of traffic on each of the intersecting roadways. For example, the length of the triangle's side along a high speed road like Route 151 or 28 should be much longer than that side along an intersecting residential street or commercial driveway. Mass Highway's *Highway Design Manual* includes recommended sight distances at intersections based on speeds (unfortunately, my copy is in metric units) derived from AASHTO's *Policy on Geometric Design of Highways and Streets*. Based on those sources and others, a specific calculation is made for each intersection.

That being said, it is probably possible to develop a basic sight triangle requirement for Mashpee once the Selectmen clarify what their intent is. I would be glad to assist with that after I come back from vacation on the 22nd.

Article 20

To see if the Town will vote to amend the Zoning By-law as follows:

~~Amend Subsection 174-33 by inserting the language "unless approved by the Conservation Commission" at the end of the paragraph;~~

and amend Subsection 174-25, Table of Use Regulations, by adding the following language after the second sentence and before the third sentence of I(9):

"Any dock which is not being extended and/or modified, or not more than 50% of the entire structure is being repaired (within a three-year time frame), shall not require a Special Permit from the Zoning Board of Appeals. The Town of Mashpee is exempt from the requirement of seeking a Special Permit from the Zoning Board of Appeals for the construction or maintenance of any and all docks owned by the Town of Mashpee."

Or take any other action relating thereto.

Submitted by the Building Department

COMMENT BY PLANNER:

The first paragraph of this article is illegal, as it substitutes the Conservation Commission in the role of effectively providing a variance from a zoning setback requirement, which can only be done by the Zoning Board of Appeals following the existing provisions of the By-law and the Zoning Act.

I don't believe that the rest of the article, at least in its current form, is necessary. A Special Permit is not required for repairing a dock now if it is not being extended and/or modified. In addition, all "Government buildings and related or supporting uses or facilities" are already allowed by right anywhere in town under Section 174-25.B.(2). and a "Public park or playground, public recreation building or facility" is allowed by Plan Review. A Town dock would come under the definition of a "Public ... recreation... facility". If this is unclear as to government facilities not related to buildings (which have never required a Special Permit in the past), the most effective way to clarify whatever the issue is would be to provide clarifying language to one or both of those sections.

Finally, the Building Department is not authorized under the Zoning Act (Chapter 40.A. Section 5.) to submit zoning articles. Zoning article can only be submitted by the Selectmen, Planning Board, ZBA, the owner of a parcel of land seeking to have zoning changed on that parcel, or by voter petition.

ATTACHMENT II

The following is a re-wording of the proposed by-law for Sight Obstruction, which should address the issue(s) raised by the Town Planner.

As for the issue raised regarding "Condominiums"... the owners of these sites typically address matters of this nature internally, or they are discussed at a plan/site review at the time of permitting. The same can be said of shopping centers and commercial establishments ... the owners take pride in their sites and do not want issues with customers coming to their sites. Condominiums and commercial centers have not demonstrated the need to be regulated with a by-law like this. This is geared more toward the residential situation, which does not undergo any plan/site review when items such as walls, fences, shrubs, etc. are installed on the property.

Article 17

174-30.1 Sight Obstruction

To promote public safety at street intersections/corner lots in all Districts, no sign (except signs erected by the Town of Mashpee), fence, wall hedge, or other obstructions, shall be allowed to obstruct vision more than two and one half (2.5) feet high above the plane of the established grades of the street within a triangular area formed by the street lines twenty (20') feet distant from their point of intersection or in the case of a rounded corner the point of intersection of such lines as projected.

Submitted by Board of Selectmen

This Article has been amended by the Building Commissioner based on the recommendations of the Town Planner, and at the direction of the Town Manager.

Article 20

To see if the Town will vote to amend the Zoning By-law as follows:

Amend Subsection 174-33 by inserting the language "unless approved by the Conservation Commission" at the end of the paragraph.

Or take any other action relating thereto.

Submitted by

Article 20 regarding the dock, it is no longer necessary and can be removed.

PROPOSED ARTICLE I

To see if the Town will vote to appropriate and transfer from revenue available for appropriation \$XXX to fund the Firefighters Union Contract settlement effective XXX through XXX, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will fund a contract settlement for FY XXXX.

The Board of Selectmen

The Finance Committee

PROPOSED ARTICLE II

To see if the Town will vote to create the position of Administrative Secretary within the Recreation Department Kids Klub Enterprise, under the Clerical Union, SEIU 888, Grade IV, Step 1, to be effective immediately, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: At the May 1, 2000 Annual Town Meeting, Article 11 authorized the transfer of various Kids Klub positions to the Town's salary schedule. The position of Administrative Secretary was inadvertently omitted. Approval of this article will rectify the situation.

Explanation:

The Board of Selectmen

The Finance Committee

PROPOSED ARTICLE III

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$200,000 for the purpose of developing the wastewater treatment facility loadings, conceptual design/initial equipment sizing and process selection, recharge beds conceptual design, and initiating the groundwater discharge permit application process and scoping with the Department of Environmental Protection as part of the process of advancing the design of the Site 4 property adjacent to the Transfer Station, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation:

The Board of Selectmen

The Finance Committee

**AGREEMENT BETWEEN THE
TOWN OF MASHPEE AND MASHPEE COMMONS, LP
FOR THE TREATMENT AND DISPOSAL OF WASTEWATER**

This Agreement is made and entered into as this 1st day of July, 2016 by and between the TOWN OF MASHPEE, Massachusetts (hereinafter referred to as "TOWN"), a municipal corporation organized under the laws of the Commonwealth of Massachusetts, acting by and through its Board of Selectmen of 16 Great Neck Road, Mashpee, Massachusetts 02649; and MASHPEE COMMONS, LP (hereinafter referred to as the CONTRACTOR) of PO Box 1530 Mashpee Commons, Mashpee, Massachusetts 02649.

WITNESSETH THAT:

WHEREAS, the CONTRACTOR and the TOWN deem it to be in their mutual interest to enter into an agreement whereby the CONTRACTOR will receive, treat and dispose of the municipal wastewater and sewage generated by certain Town owned properties through the CONTRACTOR'S sewage works and wastewater treatment facility; and

WHEREAS, the CONTRACTOR currently has available capacity at its wastewater treatment facility to handle the flow anticipated from the Town properties, as further specified herein, and is presently permitted to accommodate the wastewater treatment and disposal obligations to be assumed by the Contractor hereunder.

WHEREAS, the TOWN has appropriated funds, or intends to proceed diligently to obtain the appropriation necessary to enable it to proceed with the payment obligations assumed hereunder; and

WHEREAS, the CONTRACTOR and the TOWN are enabled by G.L. Chapter 30B, Sections 1(e), 6(j) and 13A to enter into an agreement for the provision of the subject wastewater treatment and disposal services.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the TOWN and CONTRACTOR covenant and agree as follows:

1.0 Definitions

For the purposes of this Agreement, unless the context in which they are used clearly indicates otherwise, the following terms are defined as indicated:

- 1.1 "Design and Construction Cost" shall mean the total cost and expense of design, engineering and construction arising from or related to additions and/or modifications to the CONTRACTOR'S Sewage Works and Wastewater Treatment Plant necessary to accommodate and treat the additional Sewage flows generated under this Agreement, or as may be necessary in the future to maintain or improve said Sewage Works and Wastewater Treatment Plant for this purpose. Such costs shall include, but not be limited to, administrative, regulatory and construction costs, engineering and legal fees, and interest charges.
- 1.2 "Project" shall mean the wastewater transmission and treatment facilities to be constructed by the CONTRACTOR to implement and fulfill its obligations under this Agreement.
- 1.3 "Sewage" shall mean the water-carried wastes from the Town Properties, as defined herein.
- 1.4 "Wastewater Treatment Plant" shall mean the CONTRACTOR'S wastewater and sewage treatment facilities located at Great Neck Road South, Mashpee, MA.
- 1.5 "Sewage Works" shall mean all of the CONTRACTOR'S facilities for collecting, pumping and conveying of sewage.
- 1.6 "Town Properties" shall mean the real property of the TOWN, specifically including any improvements thereto, to be serviced by the Sewage Works, including the following:
 - Phase I Properties: Police Station, Fire Station, Senior Center and New Mashpee Public Library.
 - Phase II Properties: Coombs School, Quashnet Middle School and Quashnet Middle School Addition.
- 1.7 "Groundwater Discharge Permit" shall mean Permit Number SE 3063, as the same may be amended from time to time.

- 1.8 "Slug" shall mean any discharge of wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and which may adversely affect the Sewage Works and/or Wastewater Treatment Plant.
- 1.9 "Toxic Pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations of the Environmental Protection Agency under Section 307 (a) of the Act, or other Acts; or in regulations promulgated under M.G.L.C.21 including, but not limited to, 314 CMR 3.00, 7.00, and 12.00.
- 1.10 Additional terms and their definitions are located in the Massachusetts State Environmental Code, Title 5 located in Chapter 310 CMR 15.002.

2.0 Treatment, Control, and Characteristics of Sewage Discharge

- 2.1 The CONTRACTOR shall receive, treat, and dispose of the TOWN'S Sewage in accordance with all existing or future laws, regulations, ordinances, water quality standards, orders and decrees of any governmental authority having jurisdiction over the treatment and disposal of said Sewage and subject to any implementation schedule issued therefore by any such governmental authority.
- 2.2 The TOWN'S Sewage flow shall not contain sewage from any source outside of the Town Properties without prior written approval from the CONTRACTOR.
- 2.3 The TOWN'S Sewage flow and any discharge into the Sewage Works shall be in compliance with any and all quantitative and qualitative limitations set forth in the Groundwater Discharge Permit.
- 2.4 The CONTRACTOR, or its authorized agent, will have the right to inspect and test Sewage which the TOWN discharges into the CONTRACTOR'S Sewage Works. At its discretion, the TOWN may have a representative participate in any such inspection.
- 2.5 All measurements of characteristics of the TOWN'S Sewage obtained by the CONTRACTOR shall be obtained from a sampling device acceptable to the Massachusetts Department of Environmental Protection.

2.6 Specific Prohibitions

The TOWN shall not introduce or cause to be introduced into the Sewage Works any of the following substances, pollutants, or wastewater.

- a. Industrial Wastes as defined in 310 CMR 15 and as prohibited by the terms of the CONTRACTOR'S Groundwater Discharge Permit;
- b. Wastewater as deemed unsuitable by 310 CMR 15;
- c. Pollutants which create a fire or explosion hazard in the Sewage Works, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60° C) using the test methods specified in 40 C.F.R. 261.21;
- d. Wastewater having a pH less than 5.5 or more than 9.5, or otherwise causing corrosive structural damage to the Sewage Works;
- e. Solid or viscous substances in amounts which will cause obstruction of the flow in the Sewage Works resulting in interference;
- f. Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge or at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the Sewage Works and/or Wastewater Treatment Plant;
- g. Wastewater having a temperature greater than 150° F (65° C), or which will inhibit biological activity in the Wastewater Treatment Plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the Wastewater Treatment Plant to exceed 104° F (40° C);
- h. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- i. Toxic Pollutants which result in the presence of toxic liquids, gases, vapors, or fumes within the Sewage Works in a quantity that may cause acute worker health and safety problems;
- j. Trucked or hauled pollutants;

- k. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- l. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions, which consequently imparts color to the Wastewater Treatment Plant's effluent, thereby violating the Groundwater Discharge Permit;
- m. Wastewater containing any radioactive wastes;
- n. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the CONTRACTOR;
- o. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- p. Wastewater causing, alone or in conjunction with other sources, the Wastewater Treatment Plant's effluent to fail a toxicity test, or its sludge to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under Section 405 of the Federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other regulations or criteria for sludge management and disposal as required by the Commonwealth of Massachusetts;
- q. Wastewater containing bleaches and/or floor stripping agents in such quantities or slugs that interfere with the biological treatment at the Wastewater Treatment Plant or cause the Wastewater Treatment Plant's effluent to violate the Groundwater Discharge Permit;
- r. Detergents, surface-active agents, or other substances which may cause excessive foaming in the Sewage Works;

- s. Wastewater containing any garbage that has not been ground by household type or other suitable garbage grinders;
- t. Wastewater containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any other solids or viscous substances capable of causing obstructions or other interferences with proper operation of the Sewage Works;
- u. Wastewater containing solids of such character and quantity that special and unusual attention is required for their handling; or
- v. Wastewater containing any substances which may affect the Wastewater Treatment Plant's effluent and cause violation of the Groundwater Discharge Permit requirements.

Pollutants, substances or wastewater prohibited by this section of the Agreement shall not be processed or stored in such a manner that they could be discharged to the Sewage Works.

3.0 Enforcement Authority

- 3.1 The TOWN, through its Board of Selectmen and its agents, shall maintain any and all rights vested in municipal authorities by law to administer and enforce, in conjunction with any other duly authorized regulatory body, any statute, law, bylaw or regulation as they now, or may in the future, relate or apply to the Sewage Works.
- 3.2. Notwithstanding the terms of this Agreement, the CONTRACTOR shall be responsible for any action necessary to prevent or correct a violation of any regulatory permit or approval relating to the Sewage Works.

4.0 Term of Agreement

The term of this Agreement shall be for a period of three (3) years commencing on July 1, 2016 and ending on June 30, 2019. The Town shall have the option to renew this agreement, at its sole discretion, at the expiration of the three year term.

5.0 Collection and Transmission of Sewage

- 5.1 The CONTRACTOR shall be responsible for, and agrees to assume, all Design and Construction Costs necessary to tie the Town Properties in to the CONTRACTOR'S Sewage Works. The TOWN shall be responsible for all design and construction costs necessary to deliver the Sewage to the CONTRACTOR'S Sewage Works, including any necessary service connections. All required Sewage Works shall be constructed, operated and maintained by the CONTRACTOR in accordance with all applicable federal and state guidelines and applicable Town of Mashpee bylaws and regulations.
- 5.2 The TOWN will permit, subject to reasonable conditions, the CONTRACTOR to construct the Sewage Works necessary to implement the terms of this Agreement within Town of Mashpee roads, ways and other Town owned property. The CONTRACTOR will be responsible for the acquisition of interests or rights in any other property necessary to complete said construction. All costs associated with said Sewage Works construction and acquisition of real estate rights or interests shall be borne by the CONTRACTOR.
- 5.3 To the extent necessary to implement this Agreement, the TOWN'S Sewage flow shall be quantified by reference to the Title V flows as set forth in section 6.1 of this Agreement.

6.0 Sewage Treatment Volumes

6.1 The CONTRACTOR agrees to construct, operate and maintain the Wastewater Treatment Plant and related Sewage Works and to set aside capacity in the current Wastewater Treatment Plant such that it may provide treatment of the TOWN'S Sewage as provided in this Agreement. The CONTRACTOR agrees to set aside the following capacities in the Sewage Works and Wastewater Treatment Plant for treatment of the TOWN'S Sewage on or before the designated dates:

a) PHASE I: To be effective upon execution hereof or when connections to the CONTRACTOR'S Sewage Works occur, whichever is later.

Police Station	685 gallons per day (gpd)
Fire Station	640 gpd
Senior Center	650 gpd
Library	1,000 gpd

b) PHASE II: To be effective on a date to be hereafter mutually agreed upon, in writing, by the parties, subject to available capacity in the CONTRACTOR'S Wastewater Treatment Plant as determined by the CONTRACTOR and contingent upon issuance of all additional regulatory permits necessary to accommodate these additional flows and Cape Cod Commission approval of nitrogen credits for the tie in of Phase II buildings.

Coombs School	10,200 gpd
Quashnet Middle School	11,500 gpd
Quashnet Middle School Addition	3,495 gpd

The parties furthermore acknowledge and agree that additional flows from Town properties may be generated in the future and the CONTRACTOR agrees to review the physical and financial conditions for acceptance of such additional flows and shall decide, in its sole discretion, whether to accept such additional flows.

6.2 The volumes and characteristics of the TOWN'S Sewage received by the CONTRACTOR for treatment shall comply with and not exceed the standards set forth in the CONTRACTOR'S Groundwater Discharge Permit. The characteristics

of the TOWN'S Sewage shall conform to the guidelines and conditions contained in Article 2.6.

- 6.3 The CONTRACTOR and/or the TOWN may review the capacities and flow in the Sewage Works and Wastewater Treatment Plant at any time at its sole expense.

7.0 Sewage Treatment Fees

- 7.1 The TOWN shall pay to the CONTRACTOR, in consideration of the wastewater treatment services to be provided hereunder, a User Fee based upon an equitable apportionment of the maintenance and operational costs of the Wastewater Treatment Plant among all users thereof. Said maintenance and operational costs shall include, but are not limited to, system operator labor and/or service contract costs, energy costs, chemical purchase costs, monitoring, sampling and analytical service expenses. The applicable Title V daily flow capacities set aside for the Town Properties, as provided in Article 6. 1 shall be utilized to determine the allocation of maintenance and operational costs to the TOWN for User Fee calculation purposes. The TOWN, upon request to the CONTRACTOR, shall be provided a copy of the Wastewater Treatment Plant annual operating budget and other documents in the possession of the CONTRACTOR relating to the determination of the annual User Fee. The TOWN may undertake, at its option and expense, an audit of any Wastewater Treatment Plant annual budget by an independent professional accountant of its choice.
- 7.2 The User Fee shall be determined annually, prior to November 15 preceding each year of this Agreement, and will be effective with the start of the Town's fiscal calendar beginning on July 1 of each year of the Agreement. The CONTRACTOR shall issue written notice of the User Fee to the TOWN forthwith upon determination thereof. The annual USER Fee shall be apportioned and billed to the TOWN on a monthly basis in twelve equal installments.

- 7.3 The User Fee for the fiscal year commencing on July 1, 2016 shall be calculated at the rate of \$4.20 per Town Property gallon per day (gpd) capacity, assuming an initial Phase I capacity of 2,975 gpd.
- 7.4 In accordance with applicable provisions of G.L. 30B, all payments required under this Agreement are subject to and contingent upon appropriation thereof by either the Town of Mashpee Board of Selectmen or the Mashpee Town Meeting.

8.0 Termination or Suspension of Services

- 8.1 For any material breach of this Agreement, continued for a period of one (1) month after notice thereof in writing by the other party, either party may terminate this Agreement by giving notice thereof to the other party in writing, which termination shall become effective not earlier than six (6) months after the date of receipt of said notice, unless sooner terminated by mutual agreement of the parties.
- 8.2 If a material breach of this Agreement by the TOWN creates a substantial risk of imminent harm to the health, safety or welfare of the public, the CONTRACTOR may suspend or limit services immediately to the extent necessary to address said harm. The CONTRACTOR will provide notice to the TOWN of the suspension or limitation as soon as reasonably possible. The suspension or limitation will remain in effect only as long as the emergency created by the breach continues.
- 8.3 In addition to those remedies herein above provided in paragraph 8.1 or 8.2, the parties hereto shall have the right to invoke any remedy available to them under this Agreement or under law or equity.

9.0 Guaranty of Sewage Disposal

- 9.1 The CONTRACTOR agrees to receive, treat, and dispose of the TOWN'S Sewage during Phase I of this Agreement for up to 2,975 gallons of Sewage per day, subject to DEP and other required regulatory approval.

10.0 Sampling of Wastes

10.1 The parties hereto agree that the determination of character and concentration of sewage shall be in accordance with standard methodologies approved by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or their successors, or any other method mutually agreed upon by the parties.

11.0 Measurement of Flow

11.1 The parties agree that the measurement of the TOWN'S Sewage flow shall be determined by reference to Title V flows in the amount set forth in Paragraph 6.1 of this Agreement.

12.0 Conditional Agreement

12.1 The TOWN'S obligations hereunder are contingent upon the CONTRACTOR'S ability to complete construction and installation of the Sewage Works necessary to tie in the Town Properties to the Wastewater Treatment Plant and the appropriation of any fees required hereunder.

12.2 The CONTRACTOR'S obligations to provide future services hereunder are contingent upon the TOWN'S ability to obtain an appropriation of the fees required by this Agreement.

13.0 Amendments and Waivers

13.1 No officer, official, agent or employee of the CONTRACTOR or the TOWN shall have the power to amend, modify or alter this Agreement or waive any of its provisions or to bind the CONTRACTOR or the TOWN by making any promise or representation not contained herein except by an amendment, in writing, executed by both entities in the same manner as this Agreement is executed. Neither party may rely on any conduct, statements, action, inaction or course of conduct of the

employees, agents or officers of the other party as having changed, modified or amended this Agreement. Neither party shall be construed as waiving any provisions of the Agreement unless the waiver is executed in writing as an amendment to this Agreement. No waiver by either party of any default or breach shall constitute a waiver of any subsequent default or breach. Forbearance or indulgence in any form or manner by either party shall not be construed as waiver of any term or condition hereto nor shall it limit the legal or equitable remedies available to that party.

14.0 Miscellaneous Provisions

- 14.1 Severability - If any provision of this Agreement shall be held by a Court to be legally invalid or unenforceable, such invalidity or unenforceability shall not affect the whole Agreement, but the whole Agreement shall be construed as if not containing the provision, and the rights and obligations of the parties shall be construed and enforced accordingly.
- 14.2 Massachusetts Law - The parties hereto agree that this Agreement is a Massachusetts contract and its provisions and terms shall be construed and interpreted by and under the laws of the Commonwealth of Massachusetts.
- 14.3 Binding Effect - This Agreement shall be binding on each of the parties hereto, and each of their successors, legal representatives and assigns.
- 14.4 Authority- As evidenced by the respective Certificates of Authority attached hereto, each of the parties hereto represents that it has the authority to enter into and perform its obligations under this Agreement, that all actions have been taken and all approvals have been obtained which are requisite to the authorization of this Agreement, and that the persons executing this Agreement on behalf of each party are authorized to do so.
- 14.5 Effectiveness of Agreement- The effective date of this Agreement shall be the date upon which the Agreement is signed and executed by the TOWN and the CONTRACTOR.
- 14.6 Notices - All termination notices and notices of breach of contract given by one

party to the other under this Agreement shall be sent by registered or certified mail, return receipt requested, or shall be delivered in hand, to:

Representing the CONTRACTOR

Arnold B. Chace, Jr.
Managing Partner
Mashpee Commons LP
PO Box, 1530
Mashpee, MA 02649

Representing the TOWN

Town Manager
Town of Mashpee
16 Great Neck Road North
Mashpee, MA 02649

- 14.7 Entire Agreement - This Agreement constitutes the entire Agreement between the parties and any other agreements, whether written or oral, that may exist are excluded from the terms hereof, unless specifically referred to herein.
- 14.8 Cumulative Rights - Any and all rights and remedies which either party may have hereunder shall be cumulative and the exercise of any one or such rights shall not bar the exercise of any other right or remedy which said party may have.
- 14.9 Exclusive Forum - The parties hereto agree that the sole and exclusive place, status, and forum of this Agreement shall be Barnstable County, Massachusetts.

IN WITNESS WHEREOF, MASHPEE COMMONS, LP, by and through its duly authorized representative, and the TOWN OF MASHPEE, acting by and through its Board of Selectmen, have executed this Agreement as a sealed instrument as of the day and year first written above.

MASHPEE COMMONS, LP

BY: Arnold B. Lian

ITS: _____

Date:

TOWN OF MASHPEE
BOARD OF SELECTMEN

BY: _____

APPROVED AS TO APPROPRIATION:

Town Accountant

APPROVED AS TO FORUM:

Town Counsel

Certificate of Authority

I, Deborah Dami, hereby certify that I am the duly elected and qualified Town Clerk of the Town of Mashpee, and I further certify that The Board of Selectmen is the duly authorized executive body of the Town of Mashpee with the power and authority to bind the Town, in its corporate capacity to the terms of the within Agreement.

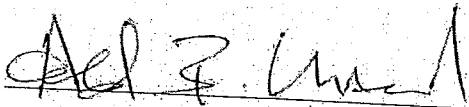
By: _____

Deborah Dami, Town Clerk

Certificate of Authority

I, ARNOLD B. CHASE, JR., hereby certify that I am the duly qualified and acting Managing Partner of Mashpee Commons, LP, and I further certify that I am empowered to execute the within Agreement on behalf of Mashpee Commons, LP, and to bind said Mashpee Commons, LP to the terms thereof.

I further certify that the above authority is still in effect and has not changed or modified in any respect.

By: 
Managing Partner

Teresa Villa

From: Diane Rommelmeyer <drommelmeyer@eastham-ma.gov>
Sent: Tuesday, August 9, 2016 1:08 PM
To: Teresa Villa
Subject: Resignation

Please accept this as my resignation from the Community Preservation Committee. It has been a privilege to serve the Town on this committee, as well as the land bank committee. I have enjoyed participating on the committee, however, family obligations require me to resign. Thank you to your attention to this matter.

Sincerely,

Diane Rommelmeyer

Theresa M. Cook

RECEIVED

6 Angelo's Way,

2016 AUG -8 PM 2:12

Mashpee, MA 02649

E-mail: tcCook64@comcast.net

OFFICE OF SELECTMEN
TOWN OF MASHPEE

Phone: Cell: (774) 487-0033

Home: (508) 477-6364

Andrew Gottlieb, Chairman

Mashpee Board of Selectmen

16 Great Neck Rd. North

Mashpee, MA. 02649

August 8, 2016

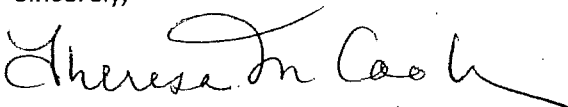
Chairman Gottlieb and the Mashpee Board of Selectmen:

I am resigning my position as an "at large" member of the Mashpee Economic Development and Industrial Corporation effective August 9, 2016.

My work commitment has expanded to the extent that I find that I will be unable to give the EDIC board the proper time and attention required to move its mission forward. The Mashpee EDIC has promoted a sound growth policy and begun to attract sustainable economic ventures to Mashpee. I wish the EDIC board members well as they continue on this path.

Many thanks to the Mashpee Board of Selectmen for appointing me to serve on the EDIC board, I truly enjoyed my tenure.

Sincerely,



Theresa "Terrie" M. Cook

cc: Deborah Dami – Mashpee Town Clerk

MASHPEE TOWN CLERK

AUG - 8 2016

RECEIVED BY _____

RECEIVED

2016 AUG -5 PM 12:45

OFFICE OF SELECTMEN
TOWN OF MASHPEE

70 Pine Hill Blvd.
Mashpee, MA 02649
August 3, 2016

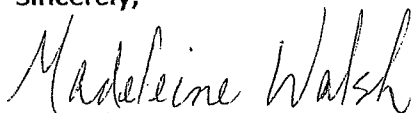
Office of the Board of Selectmen
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

Dear Board of Selectmen:

This letter is in response to your communication dated July 28, 2016, and is to inform you that earlier this year I notified the Cultural Council of my intention to resign from the Council at the end of my three-year cycle on July 8, 2016. Although this is the case, I found my experience with the dedicated Council members a very gratifying one and was thankful for the opportunity to serve the community in this capacity.

However, I was not aware nor was I informed that a letter of resignation should have also been forwarded to you, the Selectmen, and, therefore, do apologize for any inconvenience my not having done so earlier may have caused.

Sincerely,

A handwritten signature in cursive script that reads "Madeleine Walsh".

Madeleine Walsh

"Preserving public trust, providing professional services"

Rodney C. Collins
Town Manager
508-539-1401
rccollins@mashpeema.gov



Office of the Town Manager
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

MEMORANDUM

To: Board of Selectmen
From: Town Manager Rodney Collins
Reference: Thomas J. O'Neill
Date: August 16, 2016

Description: The objective is to fill a vacancy on the Building and Construction Committee consistent with Section 5-7 (a) of the Town Charter.

Background: A vacancy exists and the position was posted. According to the Charter, persons selected should have experience in the fields of architecture, engineering, construction, real estate or law. (See attached)

Recommendation: Based upon Mr. O'Neill's qualifications, background and work history, he is a suitable person for the committee. Based upon my personal and professional knowledge of Mr. O'Neill, I highly recommend him for the committee position.

Pros and Cons: In my professional opinion, Mr. O'Neill would be a tremendous asset to the community for this committee and I highly recommend him.

Rodney C. Collins

From: Thomas J. Oneill <tjoneill@thomasjoneill.com>
Sent: Tuesday, July 19, 2016 5:01 PM
To: Rodney C. Collins
Subject: Open Board Positions Inquiry
Attachments: Resume.docx

Dear Rodney –

I would like to apply for 2 board vacancies – Conservation Committee & Building Committee. As you know I've had extensive experience in these areas and I feel I could be of service to the town of Mashpee.

Please find my resume attached.

Regards,

Tom

Thomas J. O'Neill, Inc.

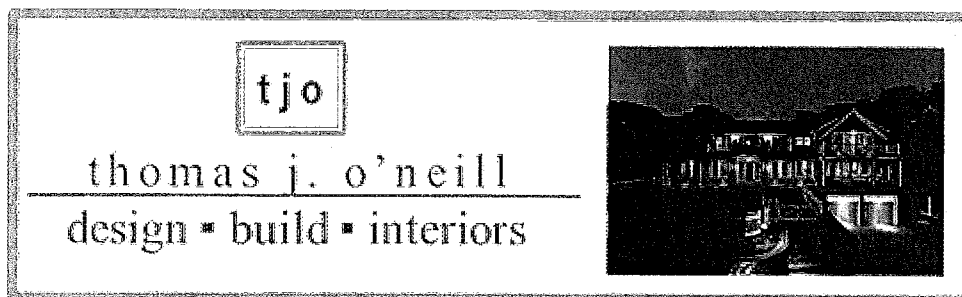
26 Bates Road

Mashpee, MA 02649

P: 508-477-5600

F: 508-477-6277

E: tjoneill@thomasjoneill.com



tjo

thomas j o'neill

design · build · interiors

Thomas J. O'Neill
35 Red Cedar Road
Mashpee, MA. 02649

Work Experience

1992 – Present

Thomas J. O'Neill Inc. - Principal, Design - build firm, Mashpee, M.A.

Professional Affiliations

2003 - Present

Board member Mashpee Chamber of Commerce

Past Board Affiliations

Cape Cod Foundation

Mashpee Community Concert Committee

Mashpee Public Library Committee

Cape Cod Children's Museum

St. Mary's Education Fund

Awards

2014 Mashpee Citizen of the Year

2014 Build a Better Mouse Trap Award Cape Cod S.C.O.R.E

2006 Distinguished Service Award – Mashpee Chamber of Commerce

Education

Fordham University – B.A. French/Biology

Wilbraham & Monson Academy, Wilbraham, M.A. – High School

office

26 bates road · mashpee, ma 02649
phone 508.477.5600 · fax 508.477.6277

mail

p.o. box 625 · mashpee, ma 02649
tjoneill@thomasjoneill.com

All appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability.

SECTION 5-3: AUTHORITY OF DEPARTMENT HEADS AND OTHER OFFICERS TO APPOINT SUBORDINATES

The fire chief and the police chief shall each be responsible for the appointment, promotion and discipline of all officers and subordinates in their respective departments.

The Town Manager may delegate to any other department head or other town officer a similar authority to appoint, promote and discipline subordinates and other employees serving under them.

SECTION 5-4: REVIEW OF APPOINTMENTS BY BOARD OF SELECTMEN

Before any person shall begin to work as an employee of the town as a result of being appointed to an office or position by any town agency (other than by or under the school committee) the Board of Selectmen shall file a certificate that it is satisfied all town policies and procedures relating to hiring have been properly followed and that the salary to be paid is appropriate for the position.

SECTION 5-5: DEPARTMENT OF MUNICIPAL FINANCE

The town may, in accordance with the provisions of section 5-1, provide for the establishment of a department of municipal finance responsible for the performance of all the fiscal and financial activities of the town. The department of municipal finance may assume any of the powers, duties and responsibilities related to municipal finance activities which prior to the adoption of the home rule charter were performed by or under the authority of the town accountant, the town collector, the town treasurer and the board of assessors and for the coordination of those activities with the activities of all other town agencies. The department of municipal finance shall have such additional powers, duties and responsibilities with respect to municipal finance related functions and activities as the town may from time to time provide, by by-law.

SECTION 5-6: DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

The town may, in accordance with the provisions of section 5-1, provide for the establishment of a department of planning and community development responsible for coordinating the performance of all the planning and community development related activities of the town. The department of planning and community development may be made responsible for the coordination of all of the duties and responsibilities related to planning and community development activities which prior to the adoption of the home rule charter were performed by or under the authority of the planning board, board of appeals, building official, historical commission, industrial development financing authority and the conservation commission and it may have such additional powers, duties and responsibilities with respect to the coordination of planning and community development related functions and activities as the town may from time to time provide, by by-law and which may include the coordination of all land acquisition and land management proposals, economic development planning and maintenance of a centralized source of records, reports, statistical data and other planning and development related materials.

SECTION 5-7: PLANNING AND CONSTRUCTION OF BUILDINGS AND OTHER FACILITIES

- (a) **Composition, Mode of Appointment and Term of Office** - There shall be a permanent building and other facilities planning and construction committee (which may be referred to as the planning and construction committee) consisting of seven members. Six of the committee members shall be appointed by the Board of Selectmen for terms of three years each so arranged that the term of two members shall expire each year. In making appointments to the committee, the Board of Selectmen shall seek persons having experience in the fields of architecture, engineering, construction, real estate or law. The seventh member of the committee shall be designated, annually, by the school committee and may, but need not, be a member of the school committee.
- (b) **Powers and Duties** - The buildings and other facilities planning and construction committee shall be responsible for monitoring the physical condition of all municipal buildings and other facilities. The committee shall meet from time to time with representatives of municipal agencies to evaluate the need for additions, renovations or remodeling of any existing building or facility or for the construction of new buildings or other facilities. The committee shall file written reports, at least annually, with the Board of Selectmen in which it shall make recommendations as to the need for any project or projects a copy of which shall be printed in the Annual Town Report.

Whenever any construction work on any municipal building or other facility is authorized, the buildings and other facilities planning and construction committee shall be responsible for all work in connection with the project including site planning, surveying, engineering studies, architectural plans and specifications and the supervision of construction.

For the purpose of this section the term 'facilities' shall not be construed to include items commonly understood to be within



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone (508) 539-1400*

Memo

To: Mashpee Board of Selectman

From: Human Services Committee

Re: Appointment of Ebony Steele to the Human Services Committee

Date: August 18, 2016

At their meeting on August 18, 2016, the Human Services Committee voted to recommend the appointment of Ebony Steele to the Human Services Committee.

Thank you.

RECEIVED

March 23, 2016

2016 MAR 28 PM 3:56

OFFICE OF SELECTMEN
TOWN OF MASHPEE

Mr. John Cahalane, Chairman
Mashpee Board of Selectmen
16 Great Neck Road North
Mashpee, MA 02649

RE: Human Services Committee Letter of Interest

Dear Mr. Cahalane and Board members:

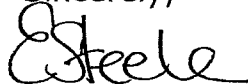
This letter is to express my interest in serving, as a member at large, on the Mashpee Human Services Committee. I am a resident of the town of Mashpee. Currently, I am employed with the Community Builders, Inc., Mashpee Village Apartments, 1 Wampanoag Drive, as the Resident Service Coordinator.

The majority of my work experience has focused on Human Services. I have been employed by reputable nonprofit organizations throughout Barnstable County. Just to list a few: The Housing Assistance Corporation, NOAH Shelter, The Duffy Health Center, The Community Action Committee of Cape Cod, and Fellowship Health Resources; all of which have provided transferable skills and have allowed me to effectively serve Cape Cod's chronically homeless individuals and families affected by substance abuse, mental health issues, and physical abuse. I have a BS in Business management. I am compassionate by nature and capable of working in a fast paced environment, demanding strong organizational, technical, and interpersonal skills. I work well with others in a group setting and I have the ability to help others find common ground when they disagree on what course of action to take. Sometimes, it just takes a little negotiating to reach a reasonable agreement that benefits the community which we serve.

I am confident that I have the skills and expertise to hold this position and to be a great benefit to the Mashpee Community.

Thank you for your consideration in this matter.

Sincerely,



Mrs. Ebony Steele
4 Swain Circle
Mashpee, MA 02649
Estele@tcbinc.org
774.269.4037